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<b>APPLICATION NO.</b>	23/01508/FULLS
<b>APPLICATION TYPE</b>	FULL APPLICATION - SOUTH
<b>REGISTERED</b>	12.06.2023
<b>APPLICANT</b>	Mr N Ramiah
<b>SITE</b>	Woolley Green Farm, Does Lane, Braishfield, SO51 0QJ, <b>BRAISHFIELD/AMPFIELD</b>
<b>PROPOSAL</b>	Erect 2 self and custom build dwellings, convert coach house to annex and garage for plot 1, erect garage for plot 2, demolish all remaining barns and buildings, and the temporary siting of mobile home during the construction period only
<b>AMENDMENTS</b>	<ul style="list-style-type: none"> <li>Amended ecological information submitted 30/06/2023</li> </ul>
<b>CASE OFFICER</b>	Mark Staincliffe

Background paper (Local Government Act 1972 Section 100D)  
[Click here to view application](#)

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## 1.0 INTRODUCTION

- 1.1 The application is presented to Southern Area Planning Committee as it represents a departure from the Local Plan and objections have been received within the specified time.

## 2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The site relates to an area of land that has historically been used for agricultural purposes in association with Woolley Green Farm. The existing farmhouse associated with the farm is located to the north west of the site. The site includes a number of buildings that reflect the former agricultural use.
- 2.2 The site is accessed by a private drive directly off Does Lane and is bounded by trees and hedges. Monarchs Way, a Public Right of Way (PROW) is located directly to the east of the site.

## 3.0 PROPOSAL

- 3.1 The proposals involve the removal of all existing agricultural buildings on the site except for a brick built barn which is understood to have originally been used as a coach house for the original farmhouse. Once the existing buildings are removed, the applicant is proposing to construct 2 detached dwellings and associated outbuildings.

### 3.2 Plot 1

Plot 1 would include the retained coach house which would be modified to provide ancillary accommodation to the proposed dwelling which would be located to the south east, in a similar position to one of the existing barns proposed for demolition. The dwelling proposed for Plot 1 would be a two-storey, 4 bedroom property with a pitched roof with a maximum eaves height of approximately 5.4 metres and a ridge height of approximately 7.5 metres. The proposed dwelling is of a contemporary design utilising:

- Non reflective standing seam zinc roof carried down and rolled over the eaves down to first floor level over;
- Horizontal boarding.

### 3.3 Plot 2

Plot 2, to the north of the site would include a detached, two-storey, 4 bedroom dwelling with associated, detached outbuilding used for garaging. The proposed dwelling would have similar proportions to plot 1 and would use the same materials.

### 3.4 Mobile home

The proposals include the provision of a mobile home which is to be located on the site during the construction of the development. This is proposed to be located adjacent to the southern boundary of the site, to the south of Plot 1. A condition is proposed to ensure that it is removed following the first occupation of any dwelling on site.

### 3.5 Landscaping proposals:

The application includes a landscape strategy which proposes the following:

- 1.8m high timber post and rail fence with stock fencing set, where possible within a native hedge and if not possible with a native hedge on the inside.
- Gardens to be enclosed by a 1.2m high hornbeam and beech hedge with stock fencing.
- Proposed new tree, shrub and wildflower planting.
- Resin bound driveways, permeable block paving to patios.

### 3.6 Ecological enhancement proposals:

- Installation of bat boxes
- Buffer zone between woodland and proposed residential uses
- Installation of bird boxes
- Provision of shallow, natural ponds in the proposed paddock areas
- Openings within the boundary treatments to allow the passage of large mammals such as hedgehogs.
- Provision of reptile hibernacula and dead wood/compost piles.

### 3.7 Supporting documents

The following documents have been submitted to support the application:

- Landscape Strategy (Landshape, June 2023)
- Ecological Report (Aluco Ecology Ltd, April 2023)

- Landscape and Visual Impact Assessment (LVIA) including Methodology (Landshape, April 2023)
- Nutrient Assessment and Budget (Aqua Callidus Consulting, April 2023)
- Planning, Design and Access Statement (Wessex Planning, June 2023)

#### 4.0 **HISTORY**

- 4.1 23/00988/FULLS - Demolition of all existing barns except for coach house and construction of two dwellings (one self-build) with garages and outbuildings together with temporary siting of mobile home during construction period – *WITHDRAWN 30/05/2023*
- 4.2 21/01646/PDQS - Application to determine if prior approval is required for proposed change of use of agricultural building to dwellinghouse (Class C3) and for building operations reasonably necessary for the conversion *PRIOR APPROVAL REQUIRED AND GRANTED 09/11/2021*
- 4.3 21/01205/PDQS - Application to determine if prior approval is required for proposed change of use of agricultural building to dwellinghouse (Class C3), including removal of existing lean to and addition of doors and windows – *PRIOR APPROVAL REQUIRED AND GRANTED 07/10/2021*
- 4.4 20/03262/PDQS - Application to determine if prior approval is required for proposed change of use of agricultural buildings to 2 dwellinghouses (Class C3), and for building operations reasonably necessary for the conversion *WITHDRAWN 18.02.2021*
- 4.5 15/00116/AGNS - Agricultural notification - Erection of lean to building adjoining an existing open fronted shed – *PRIOR APPROVAL NOT REQUIRED 16.02.2015*

#### 5.0 **CONSULTATIONS**

##### 5.1 **Ecology -**

5.2 **Highways** – No objection

5.3 **Environmental Protection** – No objection subject to conditions

5.4 **Landscape** – No objection subject to conditions

5.5 **Trees** – Comment

*“In order to fully assess the arboricultural implications of the proposed development an arboricultural impact assessment, method statement and tree protection plan that complies with the requirements of BS5837:2012 ‘Trees in relation to design, demolition and construction – Recommendations’ will need to be submitted.”*

6.0 **REPRESENTATIONS** Expired 14.07.2023

6.1 **Braishfield Parish Council** – Object on the following grounds (summarised):

1. Proposals are in a countryside location where open market housing is not appropriate other than that demonstrated by Class Q consents
2. Development not acceptable in principle
3. Class Q conversions work as it saves the buildings from further deterioration and does not encroach into the countryside.
4. Class Q consents are low key and not intrusive.
5. The proposed dwellings are much larger in scale – would impact on the surrounding landscape.
6. Plot 2 will impact on adjacent Monarch's Way which is an important and historic footpath.
7. Plot 2 will impact those properties on Dores Lane – would spoil countryside views.
8. Incorporation of a lot of glass would not sit comfortably and would not integrated with the rural, agricultural character of the surrounding area.
9. Size of gardens are excessive.
10. Choice of external materials – no relationship with the existing buildings
11. Refurbishment of existing units would relate to the surrounding area better.
12. Development would result in significant harm to coherence of ecological network – adequate information has not been provided on the measures to safeguard protected species.
13. Development would be contrary to the guidelines set out on page 36 of the Village Design Statement (VDS).

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)(RLP)

COM2 – Settlement Hierarchy

E1 – High Quality Development in the Borough

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

E5 – Biodiversity

E7 – Water Management

LHW4 – Amenity

T1 – Managing Movement

T2 – Parking Standards

7.3 Village Design Statement

- Braishfield

## 8.0 **PLANNING CONSIDERATIONS**

### 8.1 The main planning considerations are:

- The principle of development
- Impact on the character and appearance of the surrounding area and landscape character
- Trees
- Ecology
- Residential amenity
- Highways

### 8.2 **The principle of development**

The site is situated in a countryside location as defined by the Test Valley Borough Revised Local Plan 2016 (RLP). Policy COM2 of the RLP only allows development in such areas where it is considered a type appropriate in a countryside location as defined by other policies within the RLP (COM2(a)) or if there is an essential need for the development to have such a location (COM2(b)). In this instance, the proposals are neither considered to be of a type appropriate in the countryside (explanation relating to COM12 below), nor is there considered to be an essential need for the development of open market housing in the countryside. The proposals are therefore contrary to policy COM2 and are not considered acceptable in principle. The proposals are considered to be a departure from the development plan.

### 8.3 COM12

Policy COM12 of the RLP allows for replacement dwellings in the countryside. The proposals seek replacement dwellings for those previously approved under Class Q, Schedule 2 of The Town and Country Planning (General Permitted Development)(England) Order 2015 (GPDO) (see paras.4.1 and 4.2). However, neither of the conversions approved under Class Q have been implemented and the buildings remain/were last used for agricultural purposes and are not considered to be dwellings. Policy COM12 of the RLP is therefore not engaged.

### 8.4 Other material planning considerations – fall-back position

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 National Planning Policy Framework. In addition, the RLP 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 Prior approval has been granted and remains valid for two barns on the site to be converted into dwellings. It could be considered that the barns have a realistic prospect of eventually completing their changes of use to become lawful, residential units, whereby COM12 would then apply if the was submitted once the prior approval consents were implemented. Furthermore, the proposals do not seek a net increase in the number of dwellings on the site.

- 8.6 The principle of a fall-back position was examined in an appeal (APP/C1760/W/16/3154235 – Barrow Hill Barns, Goodworth Clatford). In that case the site benefited from a 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.
- 8.7 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.”*
- 8.8 When considering the planning balance, the Inspector recognised that the proposal would conflict with policy COM2 of the RLP, 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.
- 8.9 The site which is the subject of this application benefits from Prior Approval for the conversion of existing buildings on the site into residential units. There is no practical reason that the conversion of the buildings could not be implemented. It is therefore considered that this fall-back position be given significant weight in the determination of this planning application contrary to the development plan.
- 8.10 Along with considering the likelihood of the Part O scheme being implemented, the Inspector of the Barrow Hill Barns appeal also considered it necessary to assess the impact of the proposed scheme against the permitted scheme, to ‘determine whether or not there would be any significant impacts over and above the permitted scheme’. In relation to this proposal, this is discussed further at below.
- 8.11 Mobile home  
The mobile home is only required for a temporary period during the construction phase of the development, such temporary accommodation is not uncommon in small self build projects such as this. However, to ensure that the mobile home is removed from site an appropriately worded planning condition is proposed to ensure that it is removed on occupation of any of the new dwellings on site.

**8.12 Impact on the character and appearance of the surrounding area landscape character**

Existing surrounding character

The site is located within the rural countryside surrounded by agricultural fields to the south and west. The hamlet of Lower Slackstead is located to the north. The site is immediately adjacent to the Monarch's Way, a Public Right of Way (PROW) to the east beyond which lies Ampfield Wood. Views of the site are available from the PROW. The nearest vehicular highway to the site is Does Lane which is approximately 100 metres to the north. Public views of the site from Does Lane are longer view and filtered by existing vegetation.

- 8.13 The site is set away from Lower Slackstead and is not publically seen in short distance views, in context with it. The site is surrounded by mature, established vegetation with clear, public views into the site being available only from the PROW to the east. As a result, the site is perceived as an isolated area of built form within a wider rural/agricultural landscape.

**8.14 Approved conversions and their visual impact – coach house**

The conversions approved under Class Q of the GPDO involved the coach house along with a more modern open sided barn located to the south east.

- 8.15 The coach house is a brick built historic building that is thought to have been originally constructed as the coach house to the much grander dwelling originally on site. The building has an attractive appearance that reflects its original use. The sympathetic conversion of this building is welcomed as an ongoing use would ensure its retention.

- 8.16 The Class Q conversion not only relates to the original coach house building but also includes lean-to extensions which are later additions to the building. These structures, whilst having a functional agricultural purpose are not considered to be of a scale and design that is appropriate to that of the coach house and these additions forming part of the Class Q conversions results in a contrived form which is needed to facilitate adequate space for the building to function as a residential dwelling.

- 8.17 Notwithstanding the above, the Class Q coach house conversion would continue to be of a form and scale appropriate in this rural, agricultural landscape. The resultant building would still be seen from public viewpoints, as being part of a historical farm yard and would sit discretely in views.

**8.18 Approved conversions and their visual impact – straw barn**

This building was built to be a modern, functional agricultural building. The high eaves and openings on its northern elevation are characteristic of its previous use to store farm machinery. The barn is constructed from a pre-cast concrete portal frame with asbestos cement sheeting used for the roof and corrugated steel sheeting to the walls.

- 8.19 The conversion of this building retained its scale including the characteristic shallow pitched roof. Whilst the design of the conversion was considered acceptable under Class Q, the conversion is constrained by the scale and form of the existing building with new elements limited to fenestration and cladding. As a result, the conversion of the straw barn would not result in a building that is high quality and the Class Q process provides limited opportunities to secure an improved design.
- 8.20 It is clear that some effort was taken to retain the agricultural nature of the building however through the necessity of providing adequate fenestration required for the building to function as a dwelling, the conversion would result in a building that would at odds with the rural, agricultural character of the surrounding area.
- 8.21 Approved conversions – summary  
Whilst the conversion schemes retain the overall form of both agricultural buildings, the nature of the Class Q conversions meant that there was limited opportunity to secure improved designs. The replacement of these conversions proposed by this current application offers opportunities to significantly improve on the permitted designs to the benefit of surrounding visual amenities.
- 8.22 Submitted LVIA baseline  
In preparing the current scheme, the applicant has, through their landscape consultant, undertaken a Landscape Visual Impact Assessment (LVIA, Landshape, April 2023). The LVIA has been produced to advise on issues relating to landscape and visual amenity arising from the proposed development.
- 8.23 The LVIA shows where the site is visible from surrounding public vantage points differentiating between clear views of the site and views that are glimpsed or interrupted (Figure 7.1 of the LVIA). Impacts from viewpoints 4/5, 6, 8 and 9 as set out in the LVIA are summarised as follows.



(Extract from Figure 7.1, LVIA, Landshape, April 2023)

8.24 *Viewpoints 4 and 5– View from Monarch's Way PROW looking north-west towards the site:*

- Existing trees screen some views of the site however, the site is clearly visible where there is limited tree cover/gaps between trees. Visibility as a whole varies along the footpath.
- Plot 1 - Would be visible from this viewpoint, will lie almost exactly in the position of the existing barn which has approval for conversion. Building would be of similar visual nature to the existing barns and this, together with the proposed planting, will minimise impact.
- Plot 2 – Would not be visible from this viewpoint.

8.25 *Viewpoint 6 – View from Monarch's Way Prow looking south-west towards the site:*

- Clear views over gardens towards existing barns/coach house on the site. Intervening vegetation and structures disrupt this view.
- Plot 1 – Barns that are currently visible from this viewpoint will be replaced by buildings associated with plot 1.
- Plot 2 – Would be visible on other side of fences. Proposed new hedge would restrict views. Intervening fences and planting would restrict views of the development.

8.26 *Viewpoint 8 – View from Does Lane/Monarch's Way looking south towards the site:*

- Existing barns and coach house are just visible above and behind the existing hedge and treeline.

- Plot 1 – May be visible as it extends beyond the line of the existing barns into the paddock – views will be restricted but may still be available in the winter months.
- Plot 2 – Not visible in this viewpoint.

8.27 *Viewpoint 9 – View from Monarch's Way looking north towards the site:*

- Clear views of the existing farm complex through existing gateway.
- View of southern barn would be replaced with house for plot 1. Proposed house would effectively replace the barns in the view.

8.28 *LVIA summary*

The applicant's LVIA concludes that:

- Due to nature of natural enclosure of the farm by topography, hedges and copses, there are limited views into the site. There are no long distance views however there are clear local views from the adjacent PROW (Monarch's Way).
- General enclosure means that the proposed development would not be generally seen from points in the wider landscape.
- Where views are available e.g. from the PROW, these can be managed and reduced by the inclusion of selective hedge and tree planting and by the restriction of building in certain areas of the site.
- Overall significance for this Landscape Character Area in the immediate site area is summarised as 'Low Adverse'. There will be low, direct, unavoidable and permanent effect on the immediate landscape.
- Proposed development will have little impact on the landscape character other than the clearance of vegetation and increased impact on visual amenity of the users of a short part of the PROW.
- Surrounding field pattern will remain the same. All planted field boundaries will be retained and enhanced which will allow the landscape effect to be reduced to 'Negligible' or 'Beneficial' when planting has matured at years five to fifteen.

8.29 Impact of the proposed dwellings – Plot 1

Plot 1 would be sited close to the existing complex of buildings and in a similar position to the straw barn. Plot 1 would be seen in glimpsed views from the adjacent Monarch's Way, however, views from the footpath would not materially change as built form is currently seen in this area. The proposed dwelling is considered to be of a scale and height whereby it would not be more visually intrusive in the landscape when compared to current views of the existing straw barn.

8.30 The existing carriage building would be incorporated into the residential curtilage of the proposed dwelling at Plot 1 and would be utilised as an ancillary building accommodating garaging and an annex. The proposals involve the removal of the incongruous, later additions (see para. above) which would be of benefit to both its appearance and to views of this building from the Monarch's Way. The proposed conversion to ancillary accommodation is considered to be much more appropriate to the character and appearance of the building than the approved Class Q conversion.

8.31 Impact of the proposed dwellings – Plot 2

Whilst noted that the dwelling proposed for plot 2 is set away from where buildings have historically sat within the site, it is not considered that this siting would be more visually intrusive in views from surrounding public vantage points.

8.32 Due to surrounding vegetation which is proposed for retention, there would only be glimpsed views of plot 2 from the Monarch's Way. As with Plot 1, it is not considered the views of the site, and plot 2 in particular would materially change. The buildings would be seen in context with an area that has historically included built form and the dwelling is considered to be of a scale and height that would not be more visually intrusive in the area.

8.33 In addition to the above, the removal of other redundant agricultural buildings on the site (including an existing building to the east of the carriage building) means that built form on the site would not be increased. It is considered that the site and surrounding buildings would still be seen as a discrete group of buildings sited on a former agricultural yard.

8.34 Proposed garden areas

The proposed curtilage for the dwellings is larger than the curtilage permissible under class Q. However, with the provision of the proposed comprehensive landscaping scheme and the limited public views of the site, it is considered that the proposed curtilages would not be more visually intrusive. However, to ensure that harm doesn't arise from an over proliferation of outbuildings and extensions, it is recommended that permitted development rights for these forms of development are removed. Subject to this condition and the requirement for landscaping the proposal would not have a significant adverse impact on the character and appearance of this countryside location.

8.35 Overall design of the proposed dwellings

The proposed dwellings would have a contemporary design taking influence from the site's agricultural heritage. The dwellings would include features such as a standing seam zinc roof which would be carried down and rolled over the eaves. This roof design and the materials used reflect the scale and design of barns used for agricultural purposes. The front projecting gables are also a feature reflected in older agricultural buildings. Subject to a condition ensuring that a high quality palette of materials is used, it is considered that the overall design response is appropriate for this site, would be of high quality and, as discussed above, would not be more visually intrusive in the landscape.

8.36 As a result of the above, the proposals are considered to be an improvement over the designs of the conversions approved under Class Q. It is considered that the proposals would comply with policies E1 and E2 of the RLP.

8.37 **Trees**

The application is not supported by any detailed arboricultural information. There are trees within and surrounding the site that contribute to the area's character and provide a good level of public amenity. The site is immediately adjacent to 'Sheephouse Row', an area of ancient woodland to the east.

- 8.38 Save for the loss of an Ash tree within the site (this tree is suffering from Ash die-back), all trees are proposed to be retained. The submitted block plan and landscape strategy demonstrates that there would be adequate separation between the proposed built form and the root protection areas (RPAs) of surrounding trees. The details also show that the ancient woodland would be separated by proposed built form by a 15 metre buffer, along with an area of retained paddock.
- 8.39 As a result of the above and subject to conditions requiring the retention and protection of existing trees on the site during construction, it is not considered that the proposals would result the loss of trees that would result in harm to the surrounding landscape character. The proposals are considered to comply with policy E2 of the RLP in this regard.
- 8.40 **Ecology**  
On-site ecology  
The application is supported by an ecological assessment (Aluco Ecology Ltd, April 2023).
- 8.41 Bats  
The existing coach house is a confirmed bat roost. The survey work undertaken on the site indicate periodic use as a transitional summer/autumn roost of Common Pipistrelle, Soprano Pipistrelle and Brown Long-eared bats. The assessment also included surveys on foraging and commuting bats which found that along with the above species, Serotine and Noctule bats were using the site. The ecological assessment concludes that the roosts should be considered to be of local value.
- 8.42 Great Crested Newt (GCN)  
A large, existing pond to the north west of the site was surveyed for GCN. eDNA survey work was positive in that GCN DNA was found in the pond. Further survey work was undertaken to determine likely population size. A peak count of 5 GCN was recorded in the deeper parts of the pond.
- 8.43 The pond is not within the area proposed for development, nevertheless, the site could be used as terrestrial habitat for this species. The applicant's ecology assessment considers that whilst the site as a whole provides lower quality terrestrial habitat for GCN, tall grassland along the east/north boundary and associated ditch on the northern boundary along with wooded features on the boundaries/off-site are the principle terrestrial habitats for GCN in the local area.
- 8.44 Reptiles  
The site is considered to be of lower quality for potential reptile presence. Notwithstanding this, some features on the site have the potential to support populations of commoner reptiles.
- 8.45 Dormouse  
The applicant's ecological assessment considers that the site includes limited habitat suitable for dormouse.

8.46 Compliance with the Habitats Regulations

It is confirmed that the site is used by Bats and Great Crested Newts. Both of these species are protected by The Conservation of Habitats and Species Regulations 2017 ('The Habitat Regulations'). A European Protected Species Licence from Natural England would therefore be required to undertake the development where it would have a likely impact on these species.

8.47 In accordance with the Habitats Regulations, a European Protected Species (EPS) licence for the development would be required. Such a licence can only be granted if the development proposals are able to meet the following tests:

1. The consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment' (Regulation 53(2)(e)) ;
2. There must be 'no satisfactory alternative' (Regulation 53(9)(a)); and
3. The action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range; (Regulation 53(9)(b)).

8.48 In relation to point 1), the proposal would result in the provision of housing whilst in a countryside location, on a site that has extant approvals for the residential conversion of existing barns. The proposals would help to meet housing requirements in the Borough which would amount to an overriding social and economic benefits. It is therefore considered that this can be met.

8.49 In relation to point 2), there are clearly alternatives to the proposed development along with a 'do nothing' approach. These are summarised as follows:

- Provision of housing on alternative sites – it is not certain that other appropriate sites would come forward and would be suitable for the proposed development.
- Alternative development/do nothing – information submitted with the application suggests that the site is no longer required for its current use. In addition, the fall-back position discussed at paras 8.4-8.10 should be considered, works to convert the buildings in accordance with the prior approval decisions would have similar impacts on protected species. In addition, without a continued use the condition of the buildings would likely deteriorate resulting in impacts on surrounding, visual amenity. In order to maintain the coach house, it is likely that works to maintain/repair the roof would be required which could also impact on the identified bat roosts. A 'do-nothing' approach would also not realise the social/economic benefits of the development identified above.

8.50 As a result of the above, it is considered that there is no satisfactory alternative to the proposed development. The 2<sup>nd</sup> test can therefore be met.

- 8.51 In order to assess the development against the 3<sup>rd</sup> test, sufficient details must be available to show how killing/injury of bats will be avoided and how impacts to bats through habitat loss will be addressed. These should be proportionate and appropriate to the impacts as determined through the survey work.
- 8.52 The submitted ecology reports include a detailed method statement/strategy which includes methods to be followed during the development to ensure that bats are not disturbed, killed or injured. New roosting opportunities (bats) and habitat (GCN) are also proposed to be provided.
- 8.53 The Council's ecologist supports the proposed mitigation/compensation measures and, on the basis of the information provided, is satisfied that the 3<sup>rd</sup> test can be met subject to a condition securing the proposed mitigation/compensation.
- 8.54 As a result of the above, as the three tests set out in the Habitats Regulations can be met, it is considered that it is likely that an EPS licence would be granted. It is considered that the proposals would be in accordance with the relevant regulations in relation to European protected species and would be in accordance with policy E5 of the Test Valley Borough Revised Local Plan 2016.
- 8.55 European Sites – New Forest Special Protection Area  
The development will result in a net increase in residential dwellings within 13.79km of the New Forest SPA. This distance defines the zone identified by 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. It has been demonstrated through research, and agreed by Natural England that any net increase in dwellings would have a likely significant effect on the SPA when considered in combination with other plans and projects.
- 8.56 To address this issue, Test Valley Borough Council has adopted an interim mitigation strategy. It 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. Therefore, it is considered necessary and reasonable to secure the appropriate contribution.
- 8.57 Subject to a financial contribution being secured in accordance with the interim mitigation strategy (in this case, through the completion of an appropriate legal agreement), it can be concluded that the development would not result in any adverse impacts on the integrity of the designated site. The proposals are considered to comply with policy E5 of the RLP in this regard.
- 8.58 European Sites – Nitrate Neutrality in the Solent Region  
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.

- 8.59 Natural England further advises that there is uncertainty as to whether new housing growth will further deteriorate designated sites. In order to address this uncertainty is to achieve nutrient neutrality whereby an individual scheme would not add to nutrient burdens.
- 8.60 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 4.66 Kg TN/year.
- 8.61 In order to mitigate the additional nitrate output generated by the proposed development, the applicant has entered into an agreement with the land owner at Roke Manor, Awbrige who has agreed to take land previously used as a pig farm out of agricultural use. The landowner, funded by a financial contribution paid by the applicant, will ensure that the land is restored and maintained so that a substantial reduction in nitrate loading within the Solent catchment can be achieved. A management plan which would be implemented by the land owner has been agreed by both the Council and with Natural England.
- 8.62 Whilst the agreement to purchase offset land is between the applicant and the landowner at Roke Manor, to ensure that the required amount of offset land is secured and managed in perpetuity in accordance with the management plan, the applicant has agreed to enter into a legal agreement with the Council. Subject to such an agreement being completed, it is considered that the proposal would achieve nutrient neutrality as required by the guidance contained within Natural England's 'Advice on achieving nutrient neutrality for new development in the Solent region'. Therefore, it can be concluded that there will be no adverse effect on the integrity of the designated site with respect to nutrient neutrality. The proposals are therefore considered to comply with policy E5 of the RLP.
- 8.63 **Residential amenity**  
Plans submitted with the application demonstrate that sufficient separation would be provided between the proposed dwellings and surrounding neighbouring properties such that the development would not result in any adverse impacts on neighbour amenities. The proposals are considered to accord with policy LHW4 of the RLP in this regard
- 8.64 Sufficient separation would also be provided between the two new dwellings themselves so that they would not unduly affect each other in terms of overlooking, overbearing, overshadowing or loss of light. Each dwelling would also be provided with sufficient, outside, private amenity space in accordance with policy LHW4 of the RLP.
- 8.65 **Highway Safety and Parking provision**  
The proposed plans demonstrate that each residential dwelling will include sufficient space to provide off-street parking in accordance with the parking standards set out at Annex G to the Local Plan (3 spaces per dwelling in this instance). The proposals are therefore considered to comply with policy T2 of the RLP.

8.66 There is also sufficient space on site for turning which would enable vehicular traffic to access the main highway in a forward gear. The Highway Authority is satisfied that the proposal would not lead to any material detrimental impact upon the safety and efficiency of the public highway network. As such, it is considered that the development would not have an adverse impact on the function, safety and character of the local highway network. It is considered that the proposal would be in accordance with policy T1 of the TVBRLP

8.67 **The Planning Balance**

The proposals would be contrary to the development plan in that the conversion of the building would result in a new residential dwelling on a site designated as countryside in the Test Valley Borough Revised Local Plan 2016 (RLP). The proposed development does not comply with policy COM12 as whilst extant permissions existing they have not yet been implemented. As a result the proposals for two new dwellings in the countryside are technically contrary to policy COM2.

8.68 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.

8.69 The report details the fall-back position of the applicant who has demonstrated that the residential conversion of the buildings under the full planning permission and the PDQS application is more than a theoretical prospect. The fall-back position that the building can be converted to a residential use under extant permissions is a consideration that weighs significantly in favour of the proposals now submitted.

8.70 In addition to the above the replacement of the existing structures has resulted in a scheme of enhanced design compared to the conversion works and the proposals would have no other additional adverse impacts over and above the extant permissions.

9.0 **CONCLUSION**

9.1 It is considered that the material considerations of the proposed scheme outweigh the conflict with the Development Plan.

10.0 **RECOMMENDATION**

**Delegate to Head of Planning & Building for completion of satisfactory consultation with Natural England with respect to the impact of the development on European sites (together with any appropriate conditions as required), and the completion of a legal agreement to secure;**

- **Removal of nitrate mitigation land from agricultural production**
- **Future management of the nitrate mitigation land**
- **New Forest SPA contribution**
- **Prohibit the implementation of extant Class Q prior approval with respect to the retained “Coach House” to ensure it is not used as a separate dwelling, but as ancillary accommodation for Plot 1;**

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, numbers:

1 Rev A

SL01

SL01 Mobile Home Location

Mobile Home Elevation & Section

Exist06

Exit07

L170/B01

P1.e1

P1.e2

P1.p1

P1.p2

P2.e1

P2.e2

P2.p

Gar.01

Reason: For the avoidance of doubt and in the interests of proper planning.

3. 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 has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1

4. The development shall not be occupied until space has been laid out and provided for the parking and manoeuvring of vehicles to enable them to enter and leave the site in a forward gear in accordance with the approved plan and this space shall thereafter be reserved for such purposes at all times.

Reason: In the interests of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.

5. 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 to and approved in writing by the Local Planning Authority. Details shall include-where appropriate: means of enclosure and car parking layouts. Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of

plants, noting species, plant sizes and proposed numbers/densities. The landscape works shall be carried out in accordance with the implementation programme and in accordance with the management plan.

Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.

6. No development shall take place above DPC level of the development hereby permitted until a schedule of landscape implementation and maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for the phasing of the implementation and ongoing maintenance during that period in accordance with appropriate British Standards or other recognised codes of practise. Development shall be carried out in accordance with the approved schedule.

Reason: To ensure the provision, establishment and maintenance to a suitable standard of the approved landscape designs to create and maintain the appearance of the site and enhance the character of the development in the interest of visual amenity and to contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order), no building, structure, walls or fences of any kind shall be erected without the prior written consent of the Local Planning Authority.

Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of the local amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows [other than those expressly authorised by this permission] shall be constructed.

Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of the local amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policies E1, E2, LHW4

9. Prior to the commencement of demolition and construction activity including site clearance or ground-works, a Construction Environment Management Plan (CEMP) shall be submitted to the Local Planning Authority for approval. The CEMP shall detail the significant risks posed to amenity from the emission of noise, dust and light and set out the mitigation measures to be employed to control such emissions and mitigate the effects of such emissions on sensitive land uses. Unless otherwise agreed by the

**Local Planning Authority, construction activity shall only take place in accordance with the approved CEMP.**

**Reason: To minimise the risks of pollution and to ensure the site is satisfactorily developed in accordance with policy E8 of the Revised Borough Local Plan**

- 10. No development shall take place (other than any approved demolition and site clearance works) until an assessment of the nature and extent of any contamination and a scheme for remediating the contamination has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken by a competent person, and shall assess the presence of any contamination on the site, whether or not it originates on the site. The assessment shall comprise at least a desk study and qualitative risk assessment and, where appropriate, the assessment shall be extended following further site investigation work. In the event that contamination is found, or is considered likely, the scheme shall contain remediation proposals designed to bring the site to a condition suitable for the intended use. Such remediation proposals shall include clear remediation objectives and criteria, an appraisal of the remediation options, and the arrangements for the supervision of remediation works by a competent person. The site shall not be brought in to use until a verification report, for the purpose of certifying adherence to the approved remediation scheme, has been submitted to and approved in writing by the Local Planning Authority.**

**Reason: To ensure a safe living/working environment in accordance with Test Valley Borough Revised Local Plan 2016 policy E8.**

- 11. Development shall be provided in accordance with Section 7 'Opportunities for Mitigation' and Section 8 'Conclusions and Recommendation' of the Ecological Assessment by Aluco Ecology June 2023.**

**Reason: To ensure the favourable conservation status of protected species in accordance with Policy E5 of the Test Valley Revised Local Plan**

- 12. No development shall commence (including site clearance and any other preparatory works) until a scheme for the protection of trees to be retained has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location and specification of tree protective barriers. Such barriers shall be erected prior to any other site operations and at least three working days notice shall be given to the Local Planning Authority that it has been erected.**

**Note: The protective barriers shall be as specified at Chapter 6.2 and detailed in figure 2 of B.S.5837:2012 unless otherwise agreed in writing with the Local Planning Authority.**

**Reason:** To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan (2016) policy E2.

- 13. All service routes, drain runs, soakaways or excavations in connection with the development hereby permitted shall remain wholly outside the tree protective barrier.**

**Reason:** To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.

- 14. The development hereby approved 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.

- 15. Before the development hereby permitted is commenced details, including plans and cross sections, shall be submitted to and approved by the Local Planning Authority of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto. Development shall be undertaken in accordance with the approved details.**

**Reason:** To ensure satisfactory relationship between the new development and the adjacent buildings, amenity areas and trees in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1

- 16. No external lighting shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include plans and details sufficient to demonstrate the location, type, specification and luminance level. External lighting shall be undertaken in accordance with the approved details and retained thereafter.**

**Reason:** To ensure the favourable conservation status of protected species in accordance with Policy E5 of the Test Valley Borough Revised Local Plan (2016).

- 17. The Coach House as shown on Plan Exist07 shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as plot 1 on the approved plans.**

**Reason:** To avoid the establishment of a separate unit of accommodation in accordance with Test Valley Borough Revised Local Plan (2016) Policies COM2 and COM11

- 18. On the day on which any dwelling hereby permitted is first occupied for residential purposes, all existing buildings shown for demolition shall cease to be used for any purpose, and within three months of that day, the existing buildings shall be demolished and the resultant materials cleared from the site.**

**Reason: The site lies in an area where new dwelling units and buildings are not normally permitted in accordance with Test Valley Borough Revised Local Plan (2016).**

- 19. On the day on which any dwelling hereby permitted is first occupied for residential purposes, the mobile home as shown on plan 'SL01 Mobile Home Location' and 'Mobile Home Elevation & Section' site shall cease to be used for any purpose, and within three months of that day, the mobile home shall be removed from site and the resultant materials cleared from the site and land restored in accordance with details to be submitted and approved in writing with the Local Planning Authority.**

**Reason: The site lies in an area where new dwelling units are not normally permitted other than by replacement of the existing in accordance with Test Valley Borough Revised Local Plan (2016) Policy COM12.**

- 20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order), no extension or alteration to any dwelling or building of any kind shall be erected without the prior written consent of the Local Planning Authority.**  
**Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of the visual amenities of the area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 & E2.**

**Notes 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.**
- 2. Bats and their roosts receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. All work must stop immediately if bats, or evidence of bat presence (e.g. droppings, bat carcasses or insect remains), are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or a professional ecologist**