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<b>APPLICATION NO.</b>	23/01560/FULLS
<b>APPLICATION TYPE</b>	FULL APPLICATION - SOUTH
<b>REGISTERED</b>	22.06.2023
<b>APPLICANT</b>	Mr and Mrs Ross and Emma Woodley
<b>SITE</b>	Ashley Glebe Farm Barn, Chalk Vale, Ashley, SO20 6RG, <b>ASHLEY</b>
<b>PROPOSAL</b>	Reconstruction of barn to create residential dwelling, conversion of existing outbuilding into home office and construction of garage. Details in accordance with plans (21/00650/FULLS) for barn conversions and garage, following demolition of barn
<b>AMENDMENTS</b>	Additional information 14/08/23
<b>CASE OFFICER</b>	Paul Goodman

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

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## 1.0 INTRODUCTION

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

## 2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The application site is situated to the southeast of Chalk Vale and within the designated countryside of Ashley Parish.

## 3.0 PROPOSAL

- 3.1 The application proposes the reconstruction of barn to create residential dwelling, conversion of existing outbuilding into home office and construction of garage. Details in accordance with plans (21/00650/FULLS) for barn conversions and garage, following demolition of barn

## 4.0 HISTORY

- 4.1 21/00650/FULLS - Demolition of redundant storage building and garages to allow for the construction of detached new dwelling; change of use of existing agricultural barn into residential dwelling, conversion of existing outbuilding into home office, erection of garage, landscaping and associated works. Permission 14.10.2021.
- 4.2 19/02310/PDQS - Notification for Prior Approval under Class Q - Conversion of agricultural building to a single dwelling. Prior Approval Required and Granted 21.11.2019.
- 4.3 19/00101/PDQS - Notification for Prior Approval under Class Q - Conversion of agricultural building to a single dwelling. Withdrawn 04.03.2019.

## 5.0 **CONSULTATIONS**

5.1 **Planning & Building (Ecology)** – No objection, subject to condition.

5.2 **Planning & Building (Landscape)** – Comment;

- From a landscape perspective the proposals mirror what was granted and agreed within the previous application.

5.3 **Planning & Building (Trees)** – Comments awaited on additional information.

5.4 **Housing and Environmental Health (Environmental Protection)** - No objection, subject to condition.

5.5 **HCC Highways** – No objection

5.6 **Natural England** – No objection

6.0 **REPRESENTATIONS** Expired 24.08.2023

6.1 **Ashley Parish Council** – Support;

- All Ashley residents were notified about this application and a Parish Meeting was held.
- The decision was unanimous in strongly supporting this application.
- The number of people present at the meeting represented 29% of all households in Ashley.
- Ashley Parish Meeting therefore hopes that TVBC will grant permission for this application.

6.2 **2 representations of Support;**

- We fully support the application for the barn conversion on behalf of Mr Ross and Emma Woodley and look forward to having them as neighbours.
- Developing this derelict site is very welcome and we are supportive of the plans.

7.0 **POLICY**

7.1 **National Planning Policy Framework 2023**

7.2 **Test Valley Borough Revised Local Plan (2016) (TVBRLP) COM2** (Settlement Hierarchy), COM12 (Replacement Dwellings in the Countryside), E1 (High Quality Development in the Borough), E2 (Protect, Conserve and Enhance the Landscape Character of the Borough), E5 (Biodiversity), E7 (Water Management), E8 (Pollution), LHW4 (Amenity), T1 (Managing Movement), T2 (Parking Standard).

8.0 **PLANNING CONSIDERATIONS**

The main planning considerations are the principle for development, character of the area, highways, protected species & ecology, nitrate neutrality and amenity.

## 8.1 Principle of development

The application site is, for the purposes of planning policy, within the countryside. The application site is not allocated for development in the currently saved policies of the Local Plan. The principle planning policy of the TVBLP therefore is policy COM2. Planning policy COM2 seeks to restrict development outside of settlement boundaries unless identified within the specified policies.

8.2 The site formerly comprised an agricultural barn. That barn has now been demolished but was previously subject to conversion under permitted development (Class Q) in 2019 to convert into a four-bedroom residential dwelling (19/02310/PDQS). That conversion did not take place and a subsequent application (21/00650/FULLS) granted planning permission for conversion of the barn, again to a four-bedroom residential dwelling, alongside works to an associated outbuilding.

8.3 The granting of the planning permission was predicated on the fall-back position resulting from the preceding Class Q application. However following the demolition of the barn neither could now be implemented. As a result there is no longer any fall-back position that would allow development to take place at the site.

8.4 Policy COM12 provides for the erection of replacement dwellings in countryside but as the permissions for the changes of use were never implemented the proposals do not fall under the remit of COM12. Without the ability to be considered under policy COM12 the proposals would be contrary to policy COM2 as the scheme represents development of a new dwelling in the countryside for which there is no essential need.

8.5 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.

## 8.6 Appeal Decisions

The applicant's statement has drawn reference to an allowed appeal decision at Oak Tree Farm, Michelmersh (19/01446/FULLS). That site was similar to the current application in that a previous permission for conversion of buildings had not been implemented and that they had been demolished, albeit partially. As referenced in the applicants Planning Statement the Inspector in that case considered that "*the fact that a form of residential development has recently been approved and deemed acceptable on the site must weigh heavily in favour of a future residential use of the site.*"

- 8.7 However the Inspector was also clear that the proposals were contrary to the Local Plan and, in making the planning balance, also afforded significant weight to the enhancement of the Conservation Area that arose from leaving the site semi-derelict should planning permission not be granted when set against the clear conflict with Policy COM2 of the TVBRLP.
- 8.8 In the case of the current application the site is not located within a Conservation Area, or in any other statutory designated landscape area (e.g. AONB or National park). The original building has been completely demolished leaving a clear site. As a result 'harm' arising from the cleared site in this rural context is considered to not exist. In that sense the present situation at the site is incomparable to that found by the Inspector in the above cited appeal case. Member's attention is drawn to the position that it was only when weight was afforded to the enhancement of the character and appearance of the statutory Conservation Area of Michelmersh, that the appeal was allowed. Officers advise that the case is very different to that presented and would advise affording no weight to the appeal case in determining this acceptability, or otherwise of this application.
- 8.9 A similar application at Yew Tree Barn, West Tytherley (20/00522/FULLS) was considered alongside an enforcement appeal. In that case a conversion was permitted under Permitted Development Class Q (16/01627/PDQS) and further was submitted for reuse of the building that was subsequently found to have been substantially reconstructed. In the absence of a fallback position the development was therefore considered contrary to Policy COM2.
- 8.10 In dismissing the appeal the Inspector concluded that "There are no exceptions which apply to this development, and therefore it conflicts with development strategy and with Policy COM2."
- 8.11 In this case the Inspector also concluded that the proposals would be harmful to the character of the area and also that;

*The appeal site is remote from settlements which provide shops, services, employment, schools, entertainment, leisure and health facilities. There are no footpaths or cycle paths which serve the site, or nearby public transport facilities and thus occupiers would be heavily reliant on travel by car to meet their everyday needs.*

*Accordingly the proposal would not provide satisfactory accessibility to services and facilities, and would conflict with LP Policy COM2.*

- 8.12 Housing Land Supply  
Section 5 of the NPPF relates to housing. Paragraphs 73 & 74 of the NPPF require the Council to demonstrate a minimum of 5 years housing land supply (HLS) with a 5% buffer. An assessment of the HLS position as at 1 April 2022 has been undertaken. This uses the housing requirement established in policy COM1 and has regard to the conclusions of the Inspector's Report on the Examination of the Local Plan. The HLS position for Northern Test Valley, as at 1 April 2022 is 5.71 years of supply. This is reported against a target of 5.00

years. The existence of a five year HLS enables the Council to give weight to the policies of the adopted plan. The demonstration of a five year HLS does not in itself cap development and any application must be assessed on its merits

8.13 **Conclusion on the Principle of Development**

In the absence of a fallback position the proposals are contrary to Policy COM2. The granting of the previous planning permission relied on the presence of the building to allow for a proper conversion of it to a dwelling. The building has been demolished and in that regard conversion is no longer possible. In this instance the prospect of once being able to undertake a conversion does not weigh in favour of the current application and is not considered to outweigh the conflict with national and Local Plan policies on controlling development in the countryside. In addition there is an absence of factors similar to that which enabled the grant of planning permission on appeal in Michelmersh, in this case. It is acknowledged that the proposals would make a very small contribution to local housing land supply but given the current position only very limited weight can be attributed to this factor.

8.14 **Character and Appearance**

The design of the proposed dwelling and outbuildings replicates the conversion scheme permitted under 21/00650/FULLS. Whilst acknowledging that the starting context has changed in the absence of the barn structure, the design of the permitted conversion was considered a particular strength of the application and as a result the currently proposed design would not have any adverse visual impact over and above that previously considered acceptable to the Council. The proposed development is considered to comply with policies E1 and E2 and of the TVBLP 2016.

8.15 **Highways**

The proposed dwelling would not generate any additional traffic over and above the previous permission. The Highways Officer has raised no objection in principle or with regard to with regards to traffic impact and access provision. Had the application been considered acceptable in principle the proposed parking could have been conditioned to be provided and retained the proposed development considered to have no significant adverse impact on highways or pedestrian safety in compliance with the relevant T policies of the TVBRLP.

8.16 **Ecology and Biodiversity**

8.17 **Protected Species**

The previous application was supported by suitable ecological survey information which concluded there were no protected species present. Following the demolition of the barn there is no longer a building to survey and the Ecology Officer has raised no objection. Subject to a condition to require compliance the mitigation previously approved the development is considered to have no adverse impact on protected species.

8.18 Solent and Southampton Water SPA – Solent Neutrality

There is existing evidence of high levels of nitrogen and phosphorus in the water environment across the Solent, with evidence of eutrophication at some designated sites. An Integrated Water Management Study for South Hampshire was commissioned by the Partnership for Urban South Hampshire (PUSH) Authorities to examine the delivery of development growth in relation to legislative and government policy requirements for designated sites and wider biodiversity. This work has identified that there is uncertainty regarding whether any new housing development does not contribute to net increases in nutrients entering these designated sites.

8.19 As such, the advice from Natural England is that the applicants for development proposals resulting in a net increase in dwellings are required to submit the nitrogen budget for the development to demonstrate no likely significant effect on the European designated sites due to the increase in waste water from the new housing.

8.20 With respect to the current application, the applicant has submitted information that the nutrient budget for the proposal. The submitted budget indicates that the development would not result in an increase in nitrates with the agricultural land to be taken out of production. A Habitat Regulation Assessment has been undertaken and referred to Natural England who have raised no objection. In summary the change of use of the land from agricultural use is sufficient to offset additional nitrate impacts. Had the application been otherwise acceptable it would be necessary to secure use of the proposed package treatment plant, on which the calculations were based, by condition.

8.21 **Water management**

The 2016 Local Plan includes a requirement in policy E7 to achieve a water consumption standard of no more than 100 litres per person today. This reflects the requirements of part G2 of the 2015 Building Regulations. In the event that planning permission was to be recommended a condition would be applied in order to address this. Subject to such a condition the proposal would comply with policy E7.

8.22 **Amenities of neighbouring properties**

The application site is situated in a relatively isolated location on the edge of the village of West Dean the nearest neighbouring dwelling situated approximately 230m west of the proposed dwelling. Given the distances from the neighbouring properties, the boundary treatment and intervening features it is not considered that the proposed development will result in any significant detrimental increase in overshadowing or have any significant overbearing or overlooking impact. Had the application been otherwise acceptable a condition could have been applied to restrict construction hours to limit noise impact. It is not considered that the proposed dwellings would have any significant detrimental impact on the amenities of the neighbouring properties and therefore accords with the relevant amenity policies of the TVBRLP 2016.

### 8.23 **Planning Balance**

The development would be contrary to the development plan in that the proposals would result in a new residential dwelling on a site designated as countryside in the Test Valley Borough Revised Local Plan 2016 (RLP). As a result the proposal for a new dwelling in the countryside is contrary to policy COM2.

8.24 The previous planning permission for conversion of the barn is a material consideration in favour of development. Whilst this matter was considered to 'weigh heavily' in favour of granting permission by an Inspector the final balance also included enhancements of a conservation area not relevant to the current application. In addition another inspector did not afford any substantial weight to a previous Class Q approval.

8.25 In economic terms, the application scheme would provide construction jobs and some local investment during its build out. Albeit that these jobs and investment would be transitory, this a matter to which is afforded moderate weight.

8.26 The benefits outlined above are not, sufficient to outweigh the clear conflict with Local and National Planning Policies.

### 9.0 **CONCLUSION**

9.1 Overall, the proposal is contrary to the development plan. The proposal is not otherwise justified by material considerations, including national policy in the NPPF. For this reason the application is recommended for refusal.

### 10.0 **RECOMMENDATION**

#### 10.1 **REFUSE**

- 1. The proposal represents unjustified development in the countryside for which there is no overriding need. The proposal is therefore contrary to Policy COM2 of the Test Valley Borough Revised Local Plan (2016) and guidance in the National Planning Policy Framework.**
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