
APPLICATION NO.	23/00660/PIPS
APPLICATION TYPE	PERMISSION IN PRINCIPLE - SOUTH
REGISTERED	08.03.2023
APPLICANT	Messers Stephen and Mark Garrett
SITE	Land at Fairbourne Farm, Kiln Lane, Braishfield, SO51 0PJ, BRAISHFIELD
PROPOSAL	Permission in principle for construction of two detached dwellings
AMENDMENTS	14 April 2023 – heritage statement received
CASE OFFICER	Kate Levey

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

1.0 INTRODUCTION

- 1.1 The application has been called to Southern Area Planning Committee at the request of a member.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The application site is located within the settlement boundary to the west of Kiln Lane in Braishfield. The site has flat topography and is served by an existing access point from Kiln Lane. There are existing residential dwellings to the north, east and south. There are listed buildings to the south – namely Fairbournes Barn, Fairbourne’s Farmhouse, stables and a granary.

3.0 PROPOSAL

- 3.1 The application seeks permission in principle for the erection of two detached dwellings. Vehicular access is proposed from Kiln Lane.
- 3.2 The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these ‘in principle’ matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage. Decisions should be undertaken in accordance with the Development Plan, in this case the Test Valley Borough Revised Local Plan (TVBRLP) 2016 unless there are material planning considerations, such as those within the National Planning Policy Framework (NPPF) and planning practice guidance which states otherwise.

4.0 HISTORY

- 4.1 23/00782/CLES Certificate of lawfulness for existing installation of water supply, drains and sewer connection and construction of foundations in accordance with 10/01906/FULLS. Certificate issued 16 May 2023.

- 4.2 22/01545/LBWS Renovations to existing farmhouse including reconstruction of walls where partially collapsed, insulation and waterproofing existing walls, replacement of dilapidated windows, partial replacement of rotten floors, insulation of existing roof structure, reinstatement of rear lean-to, reinstatement of front porch, installation of new stair to second floor level and associated alterations. Consent 28.09.2022
- 4.3 22/00097/FULLS Renovation and partial rebuilding of existing agricultural building, and part change of use to domestic storage as shown on plan 243/16B (partly retrospective). Permission subject to conditions and notes 06.05.2022
- 4.4 10/01906/FULLS Conversion of brick barn/stable into two dwellings and erection of detached building to provide 2 garages and a bin store. Permission subject to conditions and notes 08.03.2011
- 4.5 08/01235/FULLS Change of use and conversion of brick and timber framed barns to residential use (3 units). Erection two detached garage buildings for use with the new dwellings. Erection of new detached garage building for use with existing farmhouse. Removal of various steel framed agricultural buildings. Erection of three new agricultural buildings. Permission subject to conditions and notes 11.08.2008
- 4.6 07/00042/FULLS Restoration/extension/alterations to main farmhouse, change of use of barns to two dwellings and a home-work unit, demolition of existing farmhouse and erection of replacement farmhouse, erection of 7 new dwellings, erection of replacement agricultural buildings. Application withdrawn.
- 5.0 **CONSULTATIONS**
- 5.1 Ecology: no objection subject to condition
- 5.2 Environmental Protection: no objection subject to condition
- 5.3 Conservation: comment
It is considered in principle the site could accommodate two dwellings, but this would likely need to be in the form of semis, rather than two detached houses. The heritage statement has been reviewed. Were an application to come forward, a more detailed assessment of the setting of the cluster of listed buildings and its contribution to their significance, consideration of the impact of development here on that setting, and discussion on how this has informed the design of the scheme to ensure it conserves or enhances that setting would be needed.
- 5.4 HCC Highways: no objection
- 5.5 Natural England: no objection subject to appropriate mitigation being secured.

6.0 **REPRESENTATIONS** Expired 04.04.2023

6.1 Braishfield Parish Council: object

- Over development of the plot
- The proposed buildings will eat into the farmyard space and cause congestion at the entrance to the farm
- The functionality of the farm needs to be protected

- Proximity to commercial operations - the high density of the proposed site and the close proximity to a busy working farm access track.
- Potential issues with water drainage
- Proximity to the boundary fence of neighbouring property
- Access to the site
- Village Design Statement Section G3 - New development should be proportionate to its plot, neighbouring buildings and sit comfortably in the immediate street-scene

6.2 Romsey and District Society Planning committee: object (summarised)

- Support the Parish Council, the Conservation Officer and other objectors with their reason for objecting to this application.
- One dwelling could be deemed acceptable
- The proposed properties would not be in keeping with the area and would constitute overdevelopment
- Access and poor design would detract from the rural setting of the listed buildings at the farm which are close to the proposed dwellings

6.3 5 letters of objection, summarised below:

- Two houses on the site is out of character with the local area
- One house would be more appropriate
- Certain dwellings and buildings have been missed off the submitted site plan giving a false impression (Fairbourne Farm, the farm bungalow, office single storey building to the west boundary or steel frame asbestos roof buildings)
- Adverse impact on listed Fairbourne Farm
- Concern about overlooking to Fairbourne Farm
- Inaccuracies in the submitted planning statement
- Kiln Lodge sits lower than the proposed dwellings, loss of privacy
- The bungalow opposite the proposed dwellings is in the applicant's ownership but may not remain so in future
- A possible 2 metre high fence to screen the bungalow would be close to windows of habitable rooms of the bungalow
- There are asbestos roofed agricultural sheds to be removed by a condition which has not been fulfilled. The proposed new dwellings would adjoin these sheds.
- Fairbourne Farm is a busy working farm, is it suitable to have new dwellings here
- An emergency vehicle access track would be blocked by proposed dwellings

- There are asbestos roofed agricultural sheds to be removed by a condition which has not been fulfilled. The proposed new dwellings would adjoin these sheds.
- Concern about groundwater runoff
- Concern about subsidence
- The application appears to be a partial re-submission of application 07/00042/FULLS
- The application is contrary to the Village Design Statement – history and growth paragraph 5.
- There is no visitor parking

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Planning (Listed Building and Conservation Areas Act) 1990

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

SD1: Presumption in favour of sustainable development

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

E8: Pollution

E9: Heritage

LHW4: Amenity

T1: Managing movement

T2: Parking standards

7.3 Supplementary Planning Documents (SPD)

Braishfield Village Design Statement, published 2021

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Location
- Land use
- Amount of development

8.2 **Location and land use**

The site lies within the settlement boundary of Braishfield, as defined on the Inset Maps of the TVBRLP. In accordance with Policy COM2 of the TVBRLP development is permitted provided the proposal is appropriate to other policies of the Revised Local Plan.

- 8.3 The submitted evidence, including Basic Payment Scheme details and land parcel maps, indicate that the wider site is still in use as a working farm. Aerial photography indicates that the land within the wider holding has been used for agriculture, as fields are seen to have been ploughed and cattle are present on the land. From site observations, it was noted that various agricultural style buildings and equipment were present on site which also indicates agricultural use. The available evidence demonstrates that the site is within a working farm site.
- 8.4 The proposed development would be accessed via an existing access from Kiln Lane, which is likely to be used by farm vehicles accessing the holding. However, the development site is adjacent to other residential sites – the closest neighbouring properties are Fairbourne Farm Bungalow to the north, Kiln Lodge to the east, and Fairbourne Barn to the south. From a review of the history of the site, there are no records of any noise disturbance to date resulting from the operation of the site as a farm. It is not considered that the existing site operations would cause a significant amenity impact and the Environmental Protection Officer has not raised any concerns about potential noise issues.
- 8.5 The Environmental Protection Officer has commented that the site and surroundings have been identified on historic maps as part of a historical brick works. A previous phase 1 land contamination risk assessment identified the location of a former kiln and presence of fuel tanks in close proximity to the site. Given the period of time elapsed between the previous study, the potential sources that the study identified, the proximity to the proposed development and the sensitivity of end use receptors in residential dwellings, a condition is recommended which requires an assessment of the nature and extent of any contamination and a scheme for remediating the contamination.
- 8.6 Heritage
The application site is outside of the Braishfield Conservation Area. However, listed buildings are present to the south - namely Fairbournes Barn, Fairbourne's Farmhouse, stables and a granary. The applicant has provided a heritage statement in relation to the Conservation Officer's concerns, and as required by policy E9. The statement addresses the impacts to the heritage assets to the south of the site.
- 8.7 As highlighted above, the site is adjacent to modern houses to the north and east. To the west of the proposed development area are modern agricultural sheds and buildings which serve the existing farm use. From site observations, the north part of the wider site contains the working farm and the south part of the site contains the early farmstead, comprising listed buildings. The north part of the site is accessed using an existing access from Kiln Lane, and the south part of the site has a separate access. There is a modern timber close board fence separating the north and south parts of the site.

- 8.8 Given the siting of the proposed dwellings in the modern part of the farm and adjacent to other modern buildings, it is considered that the works proposed would sensitively protect the character of the listed buildings and therefore would preserve their significance. Any less than substantial harm would be outweighed by the works which would result in two additional units of accommodation and economic benefits during the construction period.
- 8.9 On balance, it is considered that the principle of the location of the development at this site is acceptable and does not conflict with policy E1. The effect on heritage assets is considered neutral, or preserved, in accordance with policy E9.
- 8.10 **Amount of development**
A permission in principle decision notice must set out a minimum and maximum amount of development. In this instance the application has been submitted on the basis that two dwellings are being sought at the site. The applicant is not required to submit details with a PIP application relating to the layout of the proposal, or the appearance, scale etc. of the building/s as part of this type of application. On this basis, only a site location plan and an indicative site layout plan have been submitted.
- 8.11 Character and appearance
Policies E1 and E2 of the RLP seek to protect the landscape of the Borough through the provision of high quality development that integrates with and respects the character of the area, and that does not have a detrimental impact on the appearance of the immediate area or landscape character. Policy E2 also seeks to ensure that the health and future retention of important landscape features are not prejudiced by development, to enable it to positively integrate into the landscape character of the area.
- 8.12 The application site sits adjacent to other residential properties, which are a mixture of detached and semi-detached. There is a single storey bungalow immediately to the north, and pairs of semi-detached dwellings further north along Kiln Lane. Detached two storey dwellings are located to the east and south. The properties to the north of the application site are set back from Kiln Lane. There is variation in plot sizes, as detailed below:

Address	Plot size (square metres)
Kiln Lodge (detached)	561
Fairbourne Farm Bungalow (detached)	232
1 Kiln Lane (semi-detached)	441
2 Kiln Lane (semi-detached)	350
3 Kiln Lane (semi-detached)	256
4 Kiln Lane (semi-detached)	282

The existing dwellings display a variety of designs and sizes, and it is therefore considered likely that two dwellings could be proposed at the site that would be in keeping with its context and surroundings in terms of its appearance, scale, materials and building styles, as required by policy E1.

8.13 Adjacent built development, including a single storey garage within the rear garden of Kiln Lodge and residential development along Kiln Lane, obscure longer distance views into the site. The proposed plot 2 would be set back about 10 metres from Kiln Lane. As such it is considered that on the approach from the public realm there would be limited views of the dwellings until a more open view is provided at the site entrance and the proposed dwellings would no longer be screened from the surrounding development. The proposed new dwellings would be viewed in the context of the immediate neighbouring sites as well as the existing wider farm complex.

8.14 The Braishfield Village Design Statement sets out at History and Growth, paragraph 5, that:

'5. Developers should ensure that the new building does not dominate or overcrowd the plot, neighbouring properties or the street scene and should not obstruct any of the important village views.'

Given the set back of the proposed dwellings from Kiln Lane, and the mixed character of the existing surrounding development, it is not considered that the development would be dominating or overcrowded. Furthermore, the development would not affect the important village views as highlighted within the 'views' section of the report – specifically view 4 (looking south from Kiln Lane towards Fairbourne Farm) or view 5 (looking south from the junction of Kiln Lane with Newport Lane). As such, it is considered that the development is consistent with the objectives of the Village Design Statement.

8.15 The Conservation Officer has commented that two dwellings could be accommodated at this site in principle, but this would likely need to be in the form of semis, rather than two detached houses. As highlighted above, the applicant is not required to submit details with a PIP application relating to the layout of the proposal, or the appearance, scale etc. of the building/s as part of this type of application. On this basis, only a site location plan and an indicative site layout plan have been submitted in this instance. In any case, the plot size assessment above demonstrates that there are a range of plot sizes in the vicinity and the provision of two dwellings at the site is not considered to be overdevelopment.

8.16 The provision of two dwellings on this site is considered to be an appropriate amount of development and the site could accommodate this. The proposal is compliant with policy E1 and the Braishfield Village Design Statement in this regard. Furthermore, the proposal is not considered to harm the appearance or significance of any heritage assets and in this respect the effect on those interests is considered neutral, or preserved, in accordance with policy E9.

8.17 **Biodiversity**

On-site biodiversity

Following receipt of initial ecology comments, site photographs have been provided to the ecologist for review and further written comments from the ecologist confirm that the site where the development would be located is of low ecological value. However, there is a record of great crested newts (GCN) within a pond 130m to the east but as the site is of low ecological value, the only potential impact to GCN would be during the construction phase. Usually, an ecology report would identify the presence of the great crested newts record and provide a mitigation strategy for the construction phase to ensure any newts which enter the site are not killed or injured. This would include a set of measures such as: storing materials on pallets, not leaving loose building materials such as sand around which newts could use as a refuge. Given the current condition of the land where the development would be located, it is considered appropriate to recommend a condition for the protection of GCNs during the construction phase. Subject to this condition, the proposal is not considered to give rise to any adverse impacts on existing habitat or on-site ecology, and the proposal is in accordance with Policy E5.

8.18 Off-site biodiversity

Planning Practice Guidance (Paragraph: 005 Reference ID: 58-005-20190315) states that permission in principle must not be granted for development which is Habitats Development unless it can be demonstrated that the development will not adversely affect the integrity of the protected sites. Habitats Development is defined under the Town and Country Planning (Permission in Principle) Order (2017) as amended as:

‘development which is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of the site;’.

8.19 The proposal would need to demonstrate nutrient neutrality, as required by the Advice for Achieving Nutrient Neutrality guidance noted provided by Natural England in June 2020, updated in April 2022. Nutrient neutrality must be demonstrated for all proposals for new overnight accommodation to ensure that inevitable waste water implications from development do not result in a likely significant effect on the European and Internationally protected sites in the Solent region. These are:

- Solent Maritime SAC
- Solent and Southampton Water SPA & Ramsar site
- Portsmouth Harbour SPA & Ramsar site
- Solent and Dorset Coast SPA

- 8.20 To identify the amount of nitrate loading generated by the proposed development, a nutrient budget calculation has been undertaken in accordance with Natural England's standard methodology and calculator spreadsheet. Within the nutrient budget, the existing land use has been classified as dairy. This would refer to 'holdings on which dairy cows account for more than two thirds of their total standard output' as referred to in Solent Nutrient Guidance v5, issued by Natural England. Basic Payment Scheme details have been submitted with the application and it is calculated that of the eligible land area subject of the claim (73.75 hectares), 61.25 hectares is in permanent grassland used for cattle. As such, more than two thirds of the land within the holding is used as grassland for cattle. Aerial photography indicates that land within the wider holding has been used as such for the last 10 years. Therefore, the land use classification as dairy is considered appropriate. As part of the nitrate nutrient calculation it has been identified that the proposed development will utilise a mains sewer connection to Romsey Waste water treatment plant and the permit limit is 25 mg /TN/litre. This calculation identifies that the proposed development will generate 6.17 kg TN/year.
- 8.21 As such, in order to lawfully be permitted, the proposed development will need to include a package of avoidance and mitigation measures to offset the nitrogen load from the development. To address this issue, the applicant has agreed to purchase credits to offset agricultural land previously utilised for the purposes of agriculture, located at Roke Manor, Awbridge. The agent has agreed to purchase these credits directly with Roke Manor.
- 8.22 Following the implementation of this offsetting scheme at Roke Manor, a substantial net reduction in nitrate loading within the Solent catchment area has been achieved. The payment of credits direct with Roke Manor will be secured by Test Valley Borough Council through the submission of a completed section 106 agreement prior to permission being granted. Natural England have raised no objection on the conclusions reached within the appropriate assessment and the Officer recommendation reflects the need for this legal agreement.
- 8.23 New Forest SPA
In line with Policy E5 and Section 11 of the NPPF, consideration should be given to potential implications on international designations. The development would result in a net increase in residential dwellings within 13.6km of the New Forest SPA. This distance defines the zone identified by recent research where new residents would be considered likely to visit the New Forest. The New Forest SPA supports a range of bird species that are vulnerable to impacts arising from increases in recreational use of the Forest that result from new housing development. While clearly one new house on its own would not result in any significant effects, it has been demonstrated through research, and agreed by Natural England (the governments statutory nature conservation advisors, who have provided comments on this proposal) that any net increase (even single dwellings) would have a likely significant effect on the SPA when considered in combination with other plans and projects.

8.24 To address this issue, Test Valley Borough Council has adopted an interim mitigation strategy whereby a scale of developer contributions of £1,300 per new dwelling 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. As set out in the Interim Framework, an appropriate scale of mitigation for this scheme would be £2,600 (£1,300 x 2 net gain in dwellings). This payment will be secured via a legal agreement. Consequently, the proposed development will not affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites. The Officer recommendation reflects the requirement for this legal agreement.

8.25 Other matters – third party comments

Third party comments about an emergency vehicle access track being blocked by proposed dwellings are acknowledged. An approved plan relating to a previous application, 08/01235/FULLS, indicates an emergency access would be located, running between the Barn House and the Farm Bungalow to the north. However, this emergency access was not a requirement from Highways in the consultation response and it was not conditioned as part of the permission. The agent has explained that there is no reference to any emergency access on the registered title of the site. As this access has not been formalised there is no requirement for the emergency access to be provided or retained.

8.26 Further third party representation has been received which state that there are some agricultural sheds to be removed by a condition which has not been fulfilled. These sheds allegedly contain asbestos in the roof. Condition 15 of 08/01235/FULLS states that these agricultural buildings shall be demolished before the converted buildings are first occupied. From site observations, these barns are still on site and in use. As set out at Section 171B of The Town and Country Planning Act (1990) relating to enforcement of conditions, the relevant time period is 10 years as a breach of planning control. 10 years have passed since this condition was imposed, and no enforcement action has been taken. As such the demolition of the barns is likely to be immune from enforcement action.

9.0 **CONCLUSION**

9.1 The principle of the proposal within the settlement boundary is acceptable. The amount of development is considered to be in keeping with the density of residential built form in the locality and would not be harmful to the character of the area or heritage in accordance with Policies E1 and E9 of the TVBRLP, subject to further details in respect of design, scale materials, building style, hard and soft landscaping, tree protection measures beings secured at technical details stage.

9.2 It is not possible for conditions to be attached to a grant of permission in principle, however the NPPG sets out that local planning authorities can inform applicants about what they expect to see at the technical details consent stage. Therefore, the following 'Notes to Applicant' are appropriate:

10.0 **RECOMMENDATION**

Delegate to Head of Planning & Building for the completion of a legal agreement to secure;

- **Removal of nitrate mitigation land from agricultural production**
- **Future management of the nitrate mitigation land**

Then PERMISSION subject to:

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. **It is recommended that a future technical details application should include the following:**
 - **A site location plan, block plan, floor plans and elevations of the development proposed;**
 - **Details of external construction materials;**
 - **A Design and Access Statement/Planning Statement addressing (but not limited to) how any proposed development would integrate, respect and complement the character of the area; and preserve the significance of the settings of the listed buildings, in accordance with Test Valley Borough Revised Local Plan 2016 policies E1 and E9**
 - **A hard and soft landscaping scheme and management plan covering a period of 5 years in accordance with Test Valley Borough Revised Local Plan 2016 policy E2;**
 - **A Heritage Statement assessing the significance of, and the impact of the proposals on, the setting of nearby heritage assets, in accordance with Test Valley Borough Revised Local Plan 2016 policy E9**
 - **A parking plan that demonstrates compliance with the Council's parking standards contained within policy T2 and annex G.**
-