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<b>APPLICATION NO.</b>	24/00167/FULLS
<b>APPLICATION TYPE</b>	FULL APPLICATION - SOUTH
<b>REGISTERED</b>	25.01.2024
<b>APPLICANT</b>	Mr and Mrs Dolby-Stevens
<b>SITE</b>	Land rear of Willowbrook House, Braishfield Road, Crookhill, SO51 0QB, <b>BRAISHFIELD</b>
<b>PROPOSAL</b>	Demolish agricultural barn, erect single storey dwelling with detached car port and installation of package treatment plant
<b>AMENDMENTS</b>	None
<b>CASE OFFICER</b>	Nathan Glasgow

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 the Southern Area Planning Committee as it is contrary to the provisions of the local development plan with adverse third-party representations received and the recommendation is for approval.

## 2.0 SITE LOCATION AND DESCRIPTION

2.1 The site is in a back-land location behind the linear residential developments along Braishfield Road and Megana Way. The site is accessed from an existing driveway to the north of Willowbrook House, which links the site directly to Braishfield Road.

## 3.0 PROPOSAL

3.1 Demolish agricultural barn, erect single storey dwelling with detached car port and installation of package treatment plant.

## 4.0 HISTORY

4.1 **22/02563/PDQS** – Application to determine if prior approval is required for proposed change of use of an agricultural building to a dwellinghouse (Class C3), and for building operations reasonably necessary for the conversion – Prior Approval Required and Granted

4.2 **16/01847/OUTS** – Outline application for the erection of single dwelling with associated parking – Refused

4.3 **13/00889/FULLS** – Replacement of tractor shed with a softwood shed for storage of agricultural equipment (Retrospective) – Permission

4.4 **11/02395/FULLS** – Replacement of existing bungalow with new 4 bedroom property (amended scheme to planning permission 10/02881/FULLS) – Permission

- 4.5 **10/02881/FULLS** – Demolition of existing bungalow, replacement of existing bungalow with new 4 bedroom property (amended scheme to planning application 09/02621/FULLS) – Permission
- 4.6 **09/02621/FULLS** – Replacement of existing bungalow with new 4-bedroom dwelling – Permission
- 5.0 **CONSULTATIONS**
- 5.1 **Ecology** – No objection subject to conditions
- 5.2 **Trees** – No objection subject to condition
- 5.3 **Natural England** – No objection subject to securing appropriate mitigation
- 6.0 **REPRESENTATIONS** Expired 06.03.2024
- 6.1 **Braishfield Parish Council** – Support
- 6.2 **2 Megana Way** – Objection on noise and amenities
- 7.0 **POLICY**
- 7.1 Government Guidance  
National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Habitats Regulations 2017
- 7.2 Test Valley Borough Revised Local Plan (2016)  
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 Neighbourhood Plan  
Braishfield Village Design Statement
- 8.0 **PLANNING CONSIDERATIONS**
- 8.1 The main planning considerations are:
- Principle of development
  - Impact on character and appearance of the area
  - Impact on ecology
  - Impact on residential amenities
  - Impact on highway safety
  - Braishfield Village Design Statement

## 8.2 Principle of development

The application site is located within the countryside, as defined by the Inset Maps of the Revised Local Plan. Policy COM2 seeks to restrict development to areas of settlement, unless it is considered to either a) be *appropriately* located in the countryside, or otherwise b) is *essential* to be located in the countryside.

8.3 The application seeks the construction of a new single storey dwelling, following the demolition of the existing agricultural barn. This barn is subject to a Class Q approval (ref. 22/02563/PDQS). As such, the proposed development is not considered to be either a type that is appropriate or essential to be located in the countryside and is contrary to Policy COM2 of the local plan.

## 8.4 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 local plan 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.

8.5 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 Prior approval has been granted for the conversion of the existing agricultural barn to residential accommodation. The applicant has sought the 'fall-back' option, citing that a new built dwelling would be an improvement to what the Class Q conversion works could provide.

8.7 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.

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

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

- 8.9 When considering the planning balance, the Inspector recognised that the proposal would conflict with Policy COM2 of the 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.

- 8.10 There is no practical reason that the conversion of the existing building could not be implemented. As part of the Class Q considerations, the structural integrity of the building was assessed as being capable of conversion to a residential dwelling. The curtilage was appropriate for the size of the conversion works and provided areas for landscaping, parking, and garden space. It is considered that this ‘fall-back’ position can be given significant weight in the determination of this planning application, contrary to the provisions of the development plan.
- 8.11 Along with considering the likelihood of the Class 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’. These matters are assessed below.
- 8.12 **Impact on character and appearance of the area**  
As described above, the application site is ‘backland’, sited behind the linear pattern of development along both Braishfield Road and Megana Way. Therefore, public vantages of the site are extremely limited. Views from both Braishfield Road and Megana Way are currently limited to glimpsed views between dwellings; the existing barn is visible through the existing access past Willowbrook House (when the vehicular gates are open), but the siting of the new dwelling would be shifted slightly south, further reducing the vantage point from Braishfield Road.
- 8.13 To the northeast and east are two public footpaths (Braishfield: 1 and 2); views of the application site from these locations are not available due to the dense vegetation / woodland that separates the site from the footpaths. It can be considered therefore that, in terms of visual prominence, the scheme would have a neutral impact on the character of the area.
- 8.14 The dwelling has been designed to better complement the existing characters of the agricultural barn. This includes retaining the built form to single storey, also with a linear footprint. The existing agricultural building measures 21m x 6m with a ridge line of 4m. In comparison, the proposed dwelling would

measure 26m x 7m with a ridge line of 5m; the proposed dwelling would be of a similar scale, although slightly larger in dimensions, and would be sited at a lower site level than the existing barn, further reducing the comparative heights, therefore reducing any visual impact.

8.15 The proposed materials include zinc roofing and timber cladding, set atop a low level of brickwork. The detached car port would utilise matching materials. The palette that has been submitted is considered to reflect the countryside setting of the area, and the size, scale, appearance, and materials used are considered to result in a high-quality development. The scheme is considered to be in accordance with Policy E1 of the Revised Local Plan.

8.16 **Impact on ecology**

On-site ecology

The application is supported by a Preliminary Roost Assessment and Bat Emergence and Re-entry Surveys, which were carried out in relation to the previous Class Q approval and concerns with the demolition of the existing building. The Council's Ecologist, during the Class Q application, confirmed that the submitted evidence in relation to ecology was acceptable. A condition is recommended that development proceeds in accordance with these reports.

8.17 Since the Class Q conversion, a further Ecological Walkover Survey was carried out, in order to update the two previous surveys on site. No changes to the building or the site were found during this updated walkover survey. It is considered therefore that, subject to the aforementioned condition, the development would not result in any harm to on-site biodiversity.

8.18 Off-site ecology

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 statutory nature conservation advisors) that any new increase (even single dwellings) would have a likely significant effect on the SPA when considered in combination.

8.19 To address this issue, TVBC 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. This payment is the subject of a legal agreement, which has been signed and completed (14 March 2024).

8.20 Mottisfont Bats SAC

The property is within 7.5km of the Mottisfont Bats SAC (Special Area for Conservation) which is an internationally designated site, and as such, is protected under the EU Habitats Directive, and subsequently under the Conservation of Habitats and Species Regulations 2017. As a result of research, suitable habitats (e.g., hedgerows and trees) within 7.5km of the site are considered important for foraging, commuting and roosting opportunities for this species. Any removal of trees, woodland or hedgerows should be avoided and, where it is required, appropriately mitigated to prevent an adverse impact on this internationally protected site. The proximity of the property to this protected site also increases the likelihood of bats being present and readily utilising features within existing buildings on site.

8.21 As noted above in paragraphs 8.16-8.17, the proposed scheme is not considered to impact on-site ecology or potential habitats. Natural England were consulted on this current scheme following the completion of a Habitats Regulations Assessment and have raised no objection. The development will not result in harm to the Mottisfont Bats SAC.

8.22 Southampton and Solent SPA

The River Test and its major tributaries flow into the Solent. The Solent and Southampton Water SPA region is one of the most important for wildlife in the United Kingdom and is protected by UK and European law. There are currently high levels of nitrogen and phosphorus input into this water environment and there is evidence to suggest that this is having a detrimental impact on the biodiversity of this area. Housing and other certain types of development are currently contributing negatively towards this issue and there is evidence that further development, without mitigation, would exacerbate this impact.

8.23 The application proposes to create a new dwelling, that would subsequently be required to be nitrate neutral. A nitrate calculation has been submitted with the application which demonstrates that the proposal would not generate an additional nitrate load. This is due to the installation of a package treatment plant to serve the dwelling; this treatment plant would result in a total nitrate budget of -2.47kg TN/yr. Natural England have raised no objection to this, and a legal agreement has been signed and completed (14 March 2024). The proposal is not considered to result in harm to the Southampton and Solent SPA.

8.24 **Impact on residential amenities**

As assessed above, the site is located to the rear of dwellings along both Braishfield Road and Megana Way. However, the relationship of the dwelling to the Braishfield Road dwellings is limited due to the separation distance and intervening features. Willowbrook House and Springfield however will share a common boundary with the proposed access track.

8.25 The access track is existing and is currently in the ownership of Willowbrook House, measuring a length of 59m. Due to the extant use of the access track,

it is considered that the provision of one dwelling to replace an existing agricultural building, there would not likely be an intensive increase in the use of the access track. Both dwellings (Willowbrook House and Springfield) are provided with existing hedgerow vegetation along the relevant boundaries, reducing any impact of vehicular movement.

- 8.26 The application site shares a common boundary to the north with three dwellings along Megana Way (numbers 2, 3 and 4). The proposed dwelling would be shifted slightly south of the existing building, and therefore further away from the gardens / boundaries of these three dwellings. The scheme would incorporate additional tree planting on the northern boundary, towards the site access, increasing the protection of amenities (in addition to the existing vegetation / tree belt).
- 8.27 The dwelling would only contain roof lights in the northern elevation, which when considering the difference in site levels (Megana Way is on higher land), would not result in a loss of privacy or overlooking.
- 8.28 The resident of 2 Megana Way has objected to the scheme, citing concerns about noise and light in relation to the Megana Way bedrooms facing the development and the effect of the driveway. As assessed above, the access track is not considered to result in any adverse impacts to neighbouring properties, while the driveway will be located away from the neighbouring properties. A landscaping condition is recommended, to provide details of hard surfacing materials and any submission will have to consider residential amenities (such as providing hardstanding instead of gravel).
- 8.29 Due to the roof slopes containing only roof lights, the single storey nature of the building and the separation distance between the buildings (approx. 20m), it is considered that the neighbours to the north (Megana Way) would not be subject to any loss of privacy or to overlooking.
- 8.30 Noise from residential uses is a normal by-product of a residential development, and there is no control over this, in planning terms. Noise from vehicles can be mitigated but as the access track is in existence and the landscaping details requiring hard surfacing materials, it is considered that this would not result in harm. Therefore, the scheme as a whole is not considered to result in harm to residential amenities and accords with Policy LHW4 of the Revised Local Plan.
- 8.31 **Impact on highway safety**  
The development would be served by an existing access track which provides access directly to and from Braishfield Road. The visibility at this point is safe and usable. The parking provision for a two-bed dwelling is also met. The scheme also sets out the amended parking provision for the occupants of Willowbrook House, who will no longer be able to make use of the access track. This new layout is considered to be safe and usable and provides the minimum parking requirement for the dwelling. The scheme is considered to accord with Policies T1 and T2 of the Revised Local Plan.

8.32 **Braishfield Village Design Statement**

The local VDS sets out the distinctive characteristics of the area and outlines design guidance for development within the relevant area(s). The Braishfield VDS has a number of guidelines that it seeks for development proposals to consider. Many of which refer to housing development. Those relevant to this scheme are assessed below.

8.33 G3: New development should be proportionate to its plot, neighbouring buildings and sit comfortably in the immediate street-scene.

The proposed development would have no impact upon the street scene due to its siting and location. It is however considered to be proportionate to its plot and to its neighbouring buildings.

8.34 G6: The use of traditional materials and methods, where appropriate should be encouraged.

The material palette that has been submitted is considered to be appropriate and acceptable for a development of this size, scale, and location.

8.35 G7: New development should be supported by an appropriate landscaping scheme that reflects the character of the immediate area and the rural nature of the village.

The submitted block plan shows a level of landscaping that is to be carried out with the development. A condition is recommended to provide additional details in relation to this.

8.36 G8: Any new development should minimise its impact on the wider environment by using sustainable, non-polluting materials and energy efficient design. Renewable energy equipment should be positioned so as to blend in with the local street scene.

Details of renewable energy equipment are not required as part of the application, but nonetheless, the siting of the dwelling is such that there is no impact on the local street scene. The materials used are not considered to be pollutants, while the design and construction of a thermal efficient dwelling is considered to be an advantage of converting the existing agricultural barn as approved under the Class Q.

8.37 G9: Any new building design needs to maintain local roof lines, take account of local architectural details and either incorporate them or blend in with them.

The building would be single storey in height, responding to its siting and position and the surrounding, existing residential development.

8.38 **Other matters**

It is acknowledged that there is relevant planning history on the application site (16/01847/OUTS), which sought the outline consent for the construction of a dwelling on this land. This scheme was refused, and dismissed at appeal, for “unjustified development in the countryside”. The current scheme is no different in this respect given it represents a Departure from countryside policies that seek to restrict development in such locations. However, unlike the previous scheme, other material considerations have to be assessed and set within the planning balance. Officers place significant weight on the “fall-

back” position, allowing the building to be converted to residential accommodation under Class Q of the GPDO without the further express grant of planning permission.

- 8.39 Each scheme is assessed on its own merits and the current submission relates in a more compatible manner to the Class Q approval. It is also recognised that the previously refused scheme sought to expand the residential use across a greater expanse of the land, whereas the current scheme has retained the development to an appropriate area of the site with a red edge limiting the expanse of residential curtilage to an area of land closely associated with the new dwelling allowing any domestic paraphernalia to be sited closer to the new dwelling than the previously dismissed scheme. This is also a factor that is different to the previous decision and weighs in favour of the grant of permission in this instance.

## 9.0 **CONCLUSION**

- 9.1 The proposed development seeks the construction of a new dwelling in the countryside. This type of development is a departure from the Test Valley Borough Revised Local Plan (2016) in that it is contrary to Policy COM2.
- 9.2 However, the conversion of the building on the site has prior approval and is clearly more than a theoretical prospect. The likely residential use of the site is a significant factor in determining this application and weighs significantly in favour of granting permission. Considering this and coupled with the proposal not resulting in any adverse impacts on the character and appearance of the surrounding area, amenity, highways or ecology, permission is recommended subject to conditions, contrary to the provisions of the Development Plan.

## 10.0 **RECOMMENDATION**

### **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:**  
**Site Location Plan – 8257/P100 B**  
**Proposed Block Plan – 8257/P101**  
**Proposed Site Plan – 8257/P102 A**  
**Proposed Site Entrance – 8257/P103**  
**Proposed Ground Floor – 8257/P200 B**  
**Proposed Roof Plan – 8257/P201**  
**Proposed East/West Elevations – 8257/P300**  
**Proposed North/South Elevations – 8257/P301**  
**Reason: For the avoidance of doubt and in the interests of proper planning.**

- 3. The external materials to be used in the construction of all external surfaces of the development hereby permitted shall be those as listed within the approved plans.**  
**Reason: To ensure a satisfactory visual relationship of the new development with the existing in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1.**
- 4. No development shall take place above DPC level of the development hereby permitted until full details of hard and soft landscape works have been submitted and approved. Details shall include:**

  - i) means of enclosure;**
  - ii) hard surfacing materials;**
  - iii) proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports.);**
  - iv) planting plans;**
  - v) written specifications (including cultivation and other operations associated with plant and grass establishment);**
  - vi) schedules of plants, noting species, plant sizes and proposed numbers/densities;**
  - vii) programme of implementation and management.**

**The landscape works shall be carried out in accordance with the approved details and the implementation programme.**  
**Reason: To enable the development to respect, complement and positively integrate into the character of the area in accordance with Test Valley Borough Revised Local Plan (2016) Policies E1 and E2.**
- 5. The development hereby approved shall be undertaken in full accordance with the provisions set out within the Wadey Trees Limited Arboricultural Impact Appraisal and Method Statement reference WT 105-23 AIA dated 9th January 2024.**  
**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 policy E2.**
- 6. 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) Policies COM2 and E1.**
- 7. Development shall proceed in accordance with the measures set out in Section 4.2 of the Willowbrook House, Braishfield, Romsey, Hampshire SO51 0QB Bat Emergence and Re-entry Surveys (Arbtech, February 2023). Thereafter, mitigation and enhancement features shall be permanently maintained and retained in accordance with the approved details.**

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

- 8. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) incorporating measures to avoid impacts on the adjacent designated sites, habitats and species shall be submitted to and approved in writing by the Local Planning Authority. This should include:**

- i) Biosecurity measures**
- ii) Arrangements for the routing of machinery on site**
- iii) Pollution prevention measures e.g. run off and storage of chemicals**
- iv) Mitigation for protected species, such as avoidance and protection of suitable habitat**
- v) Storage of materials**
- vi) Minimising noise and vibration**
- vii) Ecological supervision of works**

**Development shall subsequently proceed in accordance with any such approved details.**

**Reason: To protect designated sites, habitats and species in accordance with Policy E5 of the Revised Test Valley Local Plan (2016).**

- 9. Prior to the installation of any external lighting, a detailed lighting strategy for the construction and operation phase of the works shall be submitted to and approved in writing by the Local Planning Authority. Works shall subsequently proceed in accordance with any such approved details, with the approved lighting strategy maintained in perpetuity.**

**External lighting shall follow best practice guidelines outlined by the Bat Conservation Trust and the Institute of Lighting Professionals (Guidance note 08/18 Bats and artificial lighting in the UK).**

**Reason: To prevent disturbance to protected species in accordance with the National Planning Policy Framework and the Test Valley Borough Revised Local Plan (2016).**

- 10. 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.**

- 11. On the day on which the dwelling hereby permitted is first occupied for residential purposes, the existing building on the application site shall cease to be used for any purpose, and within three months of that day, the existing building shall be demolished and the resultant materials cleared from the site 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 agricultural building (in this instance by virtue of the Class Q fallback position that would otherwise allow for its conversion), in accordance with Test Valley Borough Revised Local Plan (2016) Policy COM12.**

**Note to applicant:**

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