

Application No: 17/00784/FULL Full Application

Site: Battramsley Farm, Shirley Holms Road, Boldre, Lymington, SO41
8NG

Proposal: Conversion of barn to 1no. new dwelling and associated works

Applicant: Mr C Powell

Case Officer: Carly Cochrane

Parish: BOLDRE

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. DEVELOPMENT PLAN DESIGNATION

No specific designation

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

DP1 General Development Principles
DP6 Design Principles
CP8 Local Distinctiveness
CP12 New Residential Development
DP13 Agricultural, Forestry & Other Occupational Dwellings

4. SUPPLEMENTARY PLANNING GUIDANCE

Boldre Parish Design Statement

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 7 - Requiring good design
Sec 11 - Conserving and enhancing the natural environment
Sec 3 - Supporting a prosperous rural economy

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Boldre Parish Council: Recommend Permission. In this specific case, setting no precedent, the Council believes that the National Planning Policy

Framework guidance should be considered in precedence to the NPA guidance. Specifically, the Council feels that the following items from paragraph 55 are applicable:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside
- where the development would re-use a redundant or disused buildings and lead to an enhancement to the immediate setting

In the event that permission is granted, the Council request that an Agricultural Occupancy restriction is applied.

8. CONSULTEES

No consultations required

9. REPRESENTATIONS

9.1 60 letters of representation have been received, in support of the application. The main points raised are summarised as follows:

- Applicant is genuine farmer, with a long family history of farming in the area
- Concern that refusal of the application would result in the sale of the farm, cessation of farming activities, and subdivision of land for more intensive purposes
- Application would:
 - Tidy up the area
 - Maintain the working farm as a viable business
 - Enhance appearance of wider farm area
 - Attract nesting birds
 - Support the agricultural heritage of the New Forest
 - Not harm the landscape or beauty of the National Park
 - Maintain the vitality of a rural community- the loss of the farm would be detrimental to the local area
 - Conversion would provide housing and result in one less greenfield site elsewhere being lost
 - Be an example of sustainable development
 - Retain a tourist experience.

9.2 One letter of support has been received from the Applicants Planning Solicitor, re-emphasising the relevant policies and considerations.

9.3 Friends of the New Forest: Object:

- Contrary to local planning policy
- Query whether the building is genuinely redundant given that planning permission was granted in 2014
- Even if permitted development rights were removed, this would not prohibit the use of domestic paraphernalia
- The character of agricultural and forestry building does not

lead to tidy yards- dwelling houses inevitably bring with them an urban orderliness that jars with the agricultural character.

- Landscape will not be enhanced
- Insufficient grounds exist to set aside DP1, the purposes of the National Park and NPPF 55

10. RELEVANT HISTORY

- 10.1 Conversion of barn to agricultural worker's dwelling (16/00294) Refused 02 June 2016
- 10.2 Application under Part 6 of the Town and Country Planning (General Permitted Development) Order 1995 in respect of siting, appearance and design of an agricultural building (14/01051) Prior Approval Not Required 09 February 2015
- 10.3 Determination as to whether Prior Approval is required for proposed change of use of office building (Use Class B1a) to dwelling (Use Class C3) (14/01052) Details Not Required 27 January 2015
- 10.4 Determination as to whether Prior Approval is required for proposed change of use of a section of an agricultural building and associated land to a flexible use within shops, financial and professional services, restaurants and cafes, business, storage or distribution, hotel or assembly or leisure (Additional details) (14/000492) Details Not Required 05 November 2014
- 10.5 Change of use and alterations to barn one to light industrial/office use (Class B1); erect external staircase; extend and change use of barn to B8 storage; erect freezer/cooler building; demolish building four to create parking spaces (04/80476) Granted 20 April 2004
- 10.6 Conversion of redundant farm building to B1 use (01/72082) Granted 21 November 2001
- 10.7 Erection of agricultural building (NFDC/94/54645) Granted 19 July 1994
- 10.8 Farmhouse (land at Battramsley Farm) (NFDC/OUT/78/09338) Refused 30 March 1978

11. ASSESSMENT

- 11.1 Battramsley Farm comprises an agricultural holding of 68.32 hectares, located to the south of Shirley Holms and west of the A337 Southampton Road. The agricultural site also includes some commercial units as part of the farm diversification, and the wider holding comprises pasture and woodland. In addition, Battramsley Farm Cottage is located adjacent to Shirley Holms, at the entrance to the site, which the applicant owns and currently resides in.

- 11.2 An application for the change of use of the barn, the subject of this application, to an agricultural worker's dwelling was refused by the Authority on 2 June 2016. The reasons for refusal related to conflict with Policies CP12 (New Residential Development), DP19 (Re-use of Buildings outside the Defined Villages) and DP13 (Agricultural, Forestry and Other Occupational Dwellings). Further, no SPA mitigation measures had been put forward, alongside there being no assessment of the potential impact on protected species at the site (contrary to CP1: Nature Conservation Sites of International Importance and CP2: The Natural Environment), and no consideration was given to the heritage significance of the barn, as required by Section 12 of the NPPF and contrary to Policy DP6 (Design Principles) of the Core Strategy. The Planning Statement submitted made reference to *"the essential need for a rural worker to live permanently at or near their place of work in the countryside and/or where development would reuse redundant or disused buildings and lead to an enhancement to the immediate setting"*, as set out in Paragraph 55 of the National Planning Policy Framework (NPPF) (2012) in order to support the application, however it was not considered that the proposal demonstrated that exceptional circumstances should prevail over the Authority's adopted policies.
- 11.3 This application seeks planning permission for the conversion of a barn located to the southern part of the site, to a dwellinghouse for occupation by the applicant. The conversion would provide a 3 bedroom dwellinghouse across a single storey, to include a farm office. No habitable floorspace has been shown at first floor level; part of the first floor is shown as loft storage. Whilst there would be no changes to the external dimensions, with an eaves height of 4 metres and ridgeline height of 7.6 metres, the building could reasonably provide first floor habitable floorspace. This is demonstrated through the proposed provision of a first floor bedroom and ensuite submitted as part of the previous application (16/00294). However, as per the Authority's Planning Information Leaflet, which notes that as planning permission is not required to extend or add a mezzanine floor within a dwelling, double height living rooms will be regarded as having two floors. However, there is no glazing proposed at first floor level, and the addition of any glazing can reasonably be controlled by condition. As such, and including the ground floor only, the conversion would result in a habitable floorspace of 145m².
- 11.4 The application has been submitted alongside a Unilateral Undertaking, which sets out the 'Enhancement Measures' the applicant would carry out should planning permission be granted. These works include the application of timber cladding to an existing building; demolition and restoration of buildings; surrender of lawful use of a building and its restoration to provide ancillary accommodation; removal of open storage and prevention of all non-agricultural open storage; removal of existing signage

and prevention of any further signage other than a single sign, and; replacement of a fuel storage tank. The Unilateral Undertaking also notes the requirement to pay the Habitat Mitigation Contribution.

- 11.5 By way of background, this application has been made in order for the applicant to "buy-out" his two siblings, following the gifting of the farm in equal shares by the applicant's father. One sibling has already been bought out by way of a bank loan. The sale of the existing dwelling on site, Battramsley Farm Cottage, would therefore allow the applicant to "buy-out" the second sibling, however in the process severing the dwelling from the farm; the proposal would then allow the applicant to continue to reside at his place of work.
- 11.6 It is acknowledged within the submitted Planning Statement that an argument for an essential need for a further dwelling at the site cannot be made as there is currently a viable dwelling on site, and as such the applicant's case is based on the provisions of the third bullet point within Paragraph 55 of the NPPF, which sets out that *"local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as...where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting"*. It is stated that the application must be determined on this basis only.
- 11.7 However, the applicant also puts forward that planning permission should be granted because Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 allows the conversion of agricultural buildings to residential uses as permitted development in areas not within Article 2(3) land. However, National Parks are Article 2(3) land, and such, these permitted development rights do not exist. This argument therefore holds no weight in the determination of this application.
- 11.8 When determining planning applications, paragraph 2 of the NPPF states that *"planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise"*. Paragraph 211 of Annex 1 then states that *"policies within the Local Plan...should not be considered out-of-date simply because they were adopted prior to the publication of this Framework"*. Indeed, whilst the policy pre-dates the publication of the NPPF, policies within the Core Strategy have been found to be sound when tested at Appeal. Paragraph 215 of the NPPF states that *"due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)"*. The Core Strategy policies on housing development (CP12 in this instance) aim to protect the special qualities of the New Forest, whilst also

recognising the requirement for development to meet the needs of local communities. With regard to the 'need', in this instance, as the case for an agricultural worker's dwelling under Policy DP13 is not being made (as this has been determined as part of 16/00294, and the applicant recognises the inability to demonstrate a legitimate need) the proposal is considered as a single new dwellinghouse in a location outside of one of the four Defined New Forest Villages, which is not in accordance with any other relevant permissive policy, for example, replacement dwellings. As such, the proposal would be contrary to policy, as to allow new residential development in this isolated location would harm the special qualities of the New Forest. Paragraph 115 of the NPPF states that "*great weight should be given to conserving landscape and scenic beauty in National Parks...which have the highest status of protection in relation to landscape and scenic beauty*". Policy CP12 is considered to be consistent with the Framework in this respect.

- 11.9 With regard to the provisions of bullet point 3 of Paragraph 55, these can be broken down into what has been referred to in previous Inspectors' reports as 'pre-conditions', i.e. 1) the development would re-use redundant or disused buildings, and 2) the development would lead to an enhancement to the immediate setting. In relation to 1), whilst Paragraph 55 purely states that the development has to relate to a redundant or disused building, and does not require any evidence with regard to the condition of a building, by virtue of the Prior Notification reference 14/01051 for the erection of an agricultural building, it would appear that there is a need on site for an additional agricultural building. It is noted within the submission that the barn, the subject of this application does not meet current modern agricultural needs and practices, however, no information has been submitted to demonstrate that the barn is truly redundant in its agricultural use, or indeed the agricultural building proposed to be demolished could not fulfil this need; simply the assertion that the barn is 'redundant and disused.' If this were to be the stance taken to subsequently allow the conversion of barns or other agricultural buildings to dwellinghouses across the National Park, then this would allow a case to be made for any agricultural building which may happen, intentionally or not, to be empty or disused. The cumulative conversion of such outbuildings to dwellinghouses would result in a significant adverse impact upon the character and appearance of an area and the special qualities of the National Park, undermining the policies within the Core Strategy which have been found to be consistent with the NPPF.
- 11.10 Much has been made within the submission with regard pre-condition 2), and a Unilateral Undertaking has been submitted in order to ensure that 'enhancement' works are carried out on site. The works put forward to be carried out are independent from the proposed conversion scheme, and could reasonably be carried out without the grant of this planning permission (subject

to any necessary consents). Whilst the works would 'tidy up' the site by reducing the amount of buildings and remove the open storage of non-agricultural items, in general, the 'enhancement works' would diminish the agricultural character of the site. The creation of a domestic curtilage around the barn, as shown on drawing number 3851.003, which necessitates the removal of an existing agricultural building, would in fact alter the agricultural character of the site. Whilst permitted development rights could reasonably be removed for any domestic outbuildings, this would not prevent the siting of domesticated paraphernalia, such as garden furniture, washing lines or children's play equipment. It could be argued that the introduction of the residential use would be more harmful than the retention of the buildings/works to be carried out, as it introduces a more formal, suburban appearance.

11.11 Further, the Structural Report submitted highlights that in order to convert the barn to habitable space, there would need to be significant strengthening works to the roof; the walls are not currently structurally sound or weather proof, and there is no damp proof course. Further, it has not been determined whether the current foundations are capable of bearing the additional weight, and overall there are significant works required to the building before it could be occupied. It is considered reasonable to suggest that the required works may result in the altered appearance of the barn, as there is potential for the introduction of new materials which would detract from the current agricultural nature of the building.

11.12 A recent (16 May 2017) Appeal Decision (APP/B9506/W/16/3165402) for the reuse of a building for residential purposes at 'Little Timbers' within the National Park, has been submitted in support of the application. Whilst this appeal was dismissed, the submitted Planning Statement focuses on the assertion that 'the conflict with CP12 cannot, on its own, be a reason for refusal, and each case must turn on its own merits'. To quote paragraph 11 of the Inspectors Report, whilst, as discussed in paragraph 11.9 of this report, the building would on face value appear redundant and disused, the Inspector did *"not see how, in the context of a semi-rural area, the change of a rural building to a dwelling with a residential curtilage would achieve that [enhancement of the immediate setting]. To my mind, the upgrading of the timber building...the provision of parking areas, gardens, domestic enclosures and paraphernalia would result in a marked change from a low-key rural site to a more manicured and obviously residential site. This would not result in an enhancement to the site's immediate setting; rather it would harm the semi-rural qualities that contribute to the attractiveness of the area, and would conflict with both local and national policies which aim to protect the special qualities of the New Forest"*. It is considered that the Inspectors comments are applicable to this proposal.

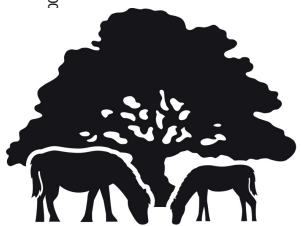
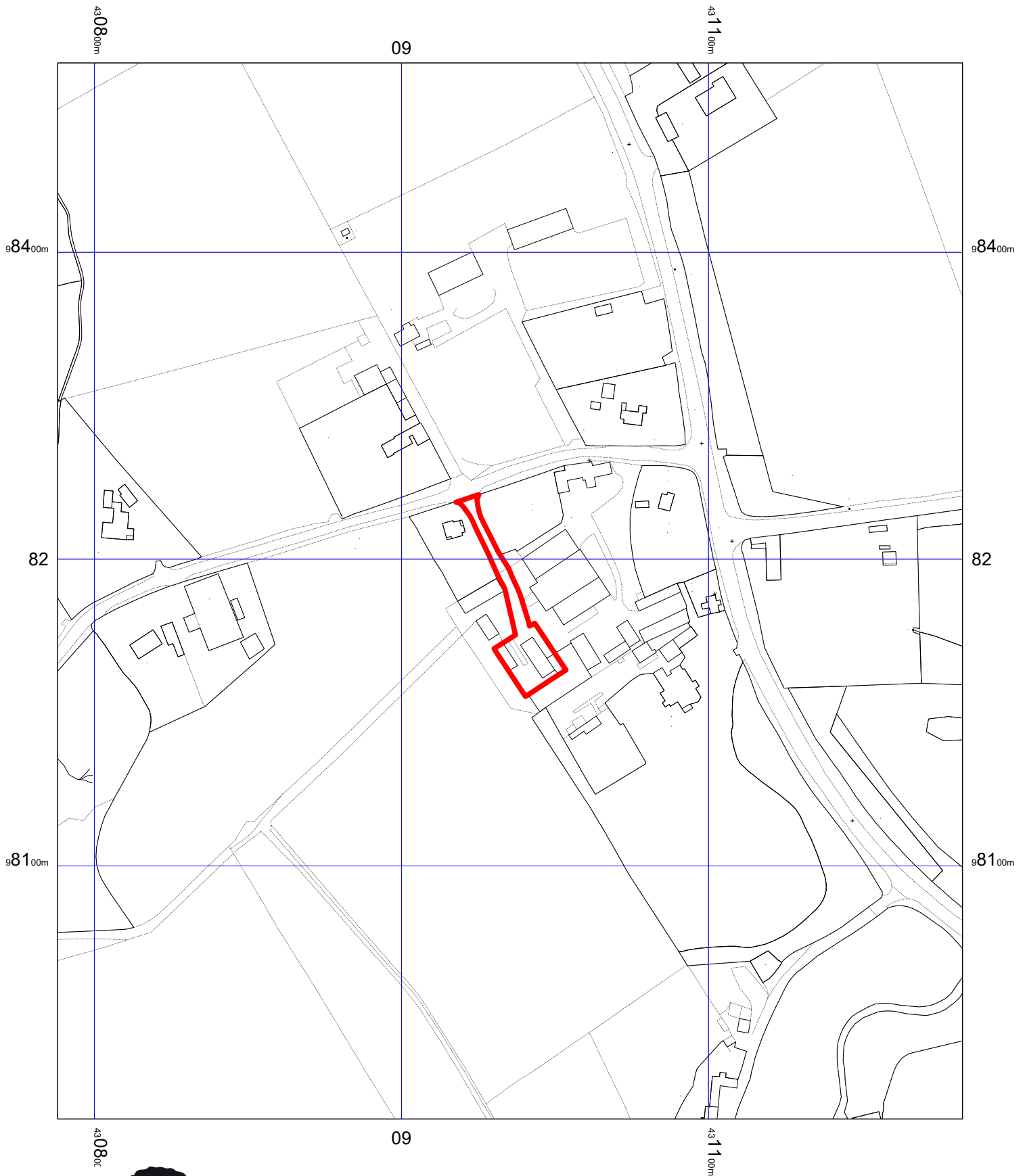
- 11.13 No consideration has been given to the age, date or construction of the barn in relation to whether it could be considered to be of heritage interest, in accordance with Section 12 of the NPPF. Should this be considered to be the case, the change of use to residential would need to demonstrate that this is the optimum viable use of the building, however no evidence has been submitted.
- 11.14 Comments made within the letters of support highlight the concern that, should this application be refused, the holding may have to be subdivided and sold off, and as such, it was the consensus that the proposed conversion should be granted. What has been omitted from these considerations is the fact that there is currently a dwellinghouse which serves the farm, which the applicant currently resides in. The personal circumstances of the applicant require the severance of this dwelling from the rest of the farm; this act in itself would result in the subdivision of the holding, notwithstanding the conversion of other units for commercial purposes as part of farm diversification, which has already been undertaken. Converse to the stance taken by representees, that the refusal of this application would result in the farm being 'broken up', it is the grant of this planning permission which would result in the farm being severed. Whilst the situation of the applicant is acknowledged, it does not form a material planning consideration, nor is it within the remit of the planning system to allow development which would otherwise be considered contrary to adopted policy in order to overcome an applicant's personal, non-planning matters.
- 11.15 Overall, it is considered that the proposal fails to fully meet the requirements of Paragraph 55 of the NPPF. For reasons mentioned in paragraph 11.8 of this report, the proposal also fails to accord with Policy CP12 of the Core Strategy, and it is not considered that there are such exceptional circumstances which are material considerations to depart from and override the policies of the Core Strategy. It is apparent that in order to overcome personal constraints, the applicant is in need of a dwellinghouse in this location. The previous application (16/00294), which was considered under Policy DP13 of the Core Strategy and also mentioned bullet point 1 and pre-condition 2) of bullet point 3 within the submission, was unsuccessful, and no appeal against the decision of the Authority was made. An application under bullet point 3 of Paragraph 55 is therefore the only remaining option. It should be noted that the Core Strategy does provide for agricultural worker's dwellings; as this is ultimately why the dwellinghouse is required, it is considered that this is the appropriate route for the applicant to take.
- 11.16 It is therefore recommended that the application be refused.

12. RECOMMENDATION

Refuse

Reason(s)

- 1 The proposed conversion cannot be reconciled with National Planning Policy Framework paragraph 55 in that the dwelling would not lead to an enhancement to the immediate setting. As such, the proposal would introduce a residential use and character in an isolated location which would be harmful to the agricultural character and appearance of the area. The proposal would therefore be contrary to policies DP1 and CP12 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010), and contrary to guidance within the National Planning Policy Framework (2012).



NEW FOREST
NATIONAL PARK

New Forest National Park Authority
Lymington Town Hall, Avenue Road,
Lymington, SO41 9ZG

Tel: 01590 646600 Fax: 01590 646666

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