

**Application No:** 22/00498 Full Application

**Site:** Land East of New Inn Road, Bartley SO40 2LR

**Proposal:** 10no. new dwellings; relocated vehicular and pedestrian access: associated parking and landscaping (AMENDED PLANS)

**Applicant:** English Rural Housing Association

**Case Officer:** Carly Cochrane

**Parish:** Copythorne Parish Council

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**1. REASON FOR COMMITTEE CONSIDERATION**

Deferred by Members at September Planning Committee meeting in order for further information to be submitted in relation to flooding and surface water drainage.

**2. POLICIES**

**Development Plan Designations**

Tree Preservation Order

**Principal Development Plan Policies**

DP2 General development principles  
SP3 Major development in the National Park  
SP4 Spatial strategy  
SP5 Nature conservation sites of international importance  
SP6 The natural environment  
SP7 Landscape character  
DP12 Flood risk  
SP15 Tranquillity  
SP17 Local distinctiveness  
DP18 Design Principles  
SP19 New residential development in the National Park  
SP21 The size of new dwellings  
SP28 Rural exceptions sites  
SP38 Infrastructure provision and developer contributions

**NPPF**

Sec 5 - Delivering a sufficient supply of homes  
Sec 15 - Conserving and enhancing the natural environment

## **Supplementary Planning Documents**

Design Guide SPD  
Development Standards SPD

### **3. MEMBER COMMENTS ON ADDITIONAL INFORMATION**

None received

### **4. PARISH COUNCIL COMMENTS ON ADDITIONAL INFORMATION**

In respect of the additional information submitted following the deferral of the application at September 2023 Planning Committee, Copythorne Parish Council have advised:

Recommend refusal. The technical information contained in the latest document is beyond the knowledge and capabilities of members of the Parish Council and so we ask that the NFNPA obtain a response on it from HCC (as the Lead Local Flood Authority) which must then be shared with members of the NFNPA Planning Committee.

### **5. CONSULTEES**

In respect of the additional information submitted following the deferral of the application at September 2023 Planning Committee, the relevant consultee is Hampshire County Council Flood and Water Team (Lead Local Flood Authority). In their statutory role as the Lead Local Flood Authority for this area of the National Park, Hampshire County Council have considered the additional information submitted by the applicant and confirmed:

No objection. The applicant has demonstrated compliance with the NPPF.

Previous comments were as follows:

Objection raised to the initially proposed method of surface water management. No objection raised to the alternative method submitted, subject to condition.

Additionally, Southern Water, although not a Statutory Consultee, had no objection to the proposal subject to condition.

### **6. REPRESENTATIONS ON ADDITIONAL INFORMATION**

Six letters of representation have been received since the additional information was made public. The comments made are summarised as follows (full comments can be viewed on the Authority's website):

- No groundwater monitoring has been carried out- without it, the applicant cannot justify the modelling predictions used in the design proposals. The groundwater monitoring that was

conducted was undertaken during a drought, and therefore the figures are inaccurate.

- The boreholes dug in May 2022 were done in the middle of drought.
- Not understood why the foul sewer can't be re-routed to the east of the site due to the permissions of third parties needed.
- Concern with regard to use of permeable paving and the sloping angles of the site.
- Concern with regard to future maintenance of the ditches.
- The final ground levels cannot be ascertained.
- The proposed permeable sub-base to the car park areas with butyl rubber membrane is implausible and compromises the drainage strategy.

## **7. RELEVANT HISTORY**

No relevant planning history.

## **8. ASSESSMENT**

### **Application Site**

- 8.1 The application site is located to the eastern side of New Inn Road and comprises a parcel of agricultural land measuring approximately 0.3 hectares and which is currently used for the grazing and keeping of livestock. The site is part of a wider parcel of agricultural land, which adjoins The Haywain Public House in the north, and further agricultural land to the east. The site immediately adjoins the boundaries of residential properties at Oakfield Road to the south, and to the west and across New Inn Road are further residential properties arranged in a linear form and spanning the length of New Inn Road. The site is not within a Conservation Area, and it is approximately 350 metres to the New Forest SSSI. There is a Tree Preservation Order (TPO/0007/20) which protects seven individual Oak trees and a group of five Oak trees, located along the west, south and eastern site boundaries. Access into the site is currently within the south western corner, adjacent to the residential property of Oakfield House, and a grass verge and ditch with the aforementioned TPO Oak trees border the western site boundary.

### **Proposed Development**

- 8.2 This application seeks permission for the erection of ten affordable dwellings, with six two storey houses and four apartments arranged with two units (two storey houses) facing New Inn Road, and two staggered 'L' shaped blocks of four dwellings each, laid out to mirror one another and create a central courtyard. The units would have a floorspace of between 64 square metres and 93 square metres. Each unit would have its own private garden area with small outbuilding and bin store, and two parking spaces per unit have been allocated; some of the spaces are under covered car ports. Three visitor spaces have also been allocated. A five bar

gate is to be provided adjacent to the northern boundary in order to allow access for the owners into the agricultural land not subject of this application. An area measuring approximately 300 square metres between this gate and the entrance to the site would be planted as a species rich meadow. Gardens along the southern and western part of the site would be enclosed by 1.8 metre high hit and miss timber fencing, with a green 'buffer' between the fence and the site boundaries. Gardens along the northern boundary would be enclosed by a 1.2 metre high post and chainlink fence, again set back from the site boundary with a 0.9 metre high stockproof fence along the site boundary.

### **Consideration**

- 8.3 Members will recall this application from September Planning Committee where it was deferred solely in relation to flooding and surface water drainage. No other matters or considerations are to be further discussed, with the other material planning considerations addressed at the September Planning Committee meeting. For information, the report considered at the September 2023 Planning Committee meeting is appended to this report
- 8.4 By way of recap, during the course of the application, Hampshire County Council Flood and Water Management Team (Lead Local Flood Authority)(LLFA) did not support the applicant's initial proposal in respect of surface water drainage as there was insufficient evidence available to ascertain the effectiveness of the proposed system, and it was considered that there were alternative methods for managing surface water run-off available to the applicant that would appropriately address the matter. As such, further survey work was conducted and an existing field ditch, falling within the application site, was identified. Resultantly, the drainage strategy was revised to make use of this ditch, into which surface water run-off already drains to due to the topography, and the concerns of the LLFA were overcome. Ordinary watercourse consent will be required in order to connect to the ditch, and a condition in relation to the long-term maintenance arrangements for the surface water drainage system has been recommended. The application site is located within Flood Zone 1 in relation to fluvial flooding; and is at 'very low' risk from surface water flooding based on the Environment Agency's mapping.
- 8.5 At the September Planning Committee meeting, Members requested that the information presented and concerns raised at committee by representees was addressed by the applicant. As such, the applicant has submitted a new document by GTA Civils and Transport setting out further information on this outstanding matter. This has been made publicly available on the Authority's website and is drawn to Members' attention. The document covers the following concerns/queries:

- Will the development flood Chingham Road and land to the south?
- Why are the site levels so high?
- Is the surface water connection shown to the existing ditch viable and within land controlled by the developer?
- How will utility services work with areas of permeable paving?
- How does the storm water system work?
- What about high groundwater levels? Wouldn't this affect the drainage network?
- How do we ensure ongoing maintenance of the drainage system?

8.6 The details submitted since the September meeting do not alter the arrangements already agreed to by the LLFA (Hampshire County Council). The LLFA has however, provided further comment following the receipt of the additional document as follows:

*"In terms of NPPF, the applicant has provided information to demonstrate that sufficient drainage provision is included to contain the 1:100 + climate change event. Discharge rates from the site are lower than Qbar i.e. there should be a reduction in the flows leaving the site thereby providing betterment downstream. They are also directing water to the same location as it would have gone prior to the development.*

*Given the above points, the applicant has demonstrated that they are compliant with the NPPF and as such, we would not raise any objections."*

8.7 It is acknowledged from the letters of representation received since the additional information was submitted and from earlier objections that surface water flooding and drainage are key local concerns. Local Plan policy DP12 (Flood risk) states that development proposals should not increase the risk of flooding (coastal, fluvial or surface) and the LLFA have confirmed the submitted proposals would result in lower discharge rates than the existing levels - meaning there would be a betterment. This is consistent with paragraph 167 of the NPPF (2023), which states local planning authorities should ensure that flood risk is not increased elsewhere when determining planning applications. Development must ensure that it does not exacerbate existing issues, but it also cannot be required to address pre-existing problems in the local area. As above, the LLFA, as the Statutory Consultee, is satisfied with the scheme and notes that it should provide betterment downstream. There remains no objection to the proposed drainage solution following the receipt of the additional information.

## **Recommendation**

8.8 As per the recommendation put forward at the September Planning Committee, it is recommended that, subject to the prior

completion of a section 106 legal agreement, the Executive Director of Strategy and Planning is authorised to granted planning permission subject to conditions.

## **9. RECOMMENDATION**

Subject to the prior completion of a Section 106 legal agreement, the Executive Director of Strategy and Planning be authorised to grant planning permission subject to the following conditions:

### **Condition(s)**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Development shall only be carried out in accordance with

2842-APLB-XX-00-DR-A-1000 Rev P02, 2842-APLB-XX-00-DR-A-1002 Rev P02, 2842-APLB-XX-00-DR-A-1105 Rev P17, 2842-APLB-XX-00-DR-A-1107 Rev P04, 2842-APLB-XX-00-DR-A-2000 Rev P07, 2842-APLB-XX-01-DR-A-2001 Rev P07, 2842-APLB-XX-02-DR-A-2002 Rev P05, 2842-APLB-CT-00-DR-A-2100 Rev P07, 2842-APLB-XX-XX-DR-A-3010 Rev P05, 2842-APLB-XX-XX-DR-A-3011 Rev P05, 2842-APLB-XX-XX-DR-A-3012 Rev P06, 2842-APLB-XX-XX-DR-A-3013 Rev P06, 14390\_S1, 20254-01a, 20254-01b, LP01.

No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority.

Reason: To ensure an acceptable appearance of the building in accordance with Policies SP16, SP17, DP18 and DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

3. The ten residential units hereby approved shall be used solely for the purposes of affordable housing for rent as defined in Annex 2 of the National Planning Policy Framework (2023).

Reason: The dwellings are only justified on the basis that it is necessary to provide housing to meet a locally identified need within the settlement of Copythorne, in accordance with Policy SP28 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

4. No development shall take place until the proposed slab levels in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved in writing by the New Forest National Park Authority.

Development shall only take place in accordance with those details which have been approved.

Reason: To ensure that the development takes place in an appropriate way in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

5. No development shall take place above slab level until samples or exact details of the facing and roofing materials have been submitted to and approved in writing by the New Forest National Park Authority.

Development shall only be carried out in accordance with the details approved.

Reason: To ensure an acceptable appearance of the building in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

6. The development hereby permitted shall not be occupied until the arrangements for parking and turning within its curtilage have been implemented.

These areas shall be kept available for their intended purposes at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and to comply with Policy DP2 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019) and Section 9 of the National Planning Policy Framework.

7. All hard and soft landscape works shall be carried out in accordance with the approved details, plan no. LP01. The works shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the National Park Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy DP2 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

8. Prior to the commencement of development ecological mitigation for the Solent and New Forest Special Protection Areas, Special Areas of Conservation and Ramsar sites shall be submitted to and approved in writing by the New Forest National Park Authority. The ecological mitigation may take the form of a planning obligation which secures financial contributions in accordance with the Authority's Habitat Mitigation Scheme and the Solent (SRMP) Explanatory Note.

Reason: To safeguard sites of international ecological importance in accordance with Policies SP5 and SP6 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019), the Authority's Habitat Mitigation Scheme and the SRMP.

9. Unless otherwise agreed in writing by the National Park Authority, development shall only take place in accordance with the recommendations for ecological mitigation and enhancement which are set out in the Ecological Impact Assessment (November 2022) hereby approved. The specified measures shall be implemented and retained at the site in perpetuity.

Reason: To safeguard protected species in accordance with Policies DP2 and SP6 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) England Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order, shall be erected or carried out without express planning permission first having been granted.

Reason: To ensure the dwellings remains of a size which is appropriate to their location within the countryside, to ensure an acceptable appearance of the development, and to comply with Policies DP35 and DP36 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

11. The outbuildings the subject of this permission shall only be used for purposes incidental to the dwelling on the site and shall not be used for habitable accommodation such as kitchens, living rooms and bedrooms.

Reason: To protect the character and appearance of the countryside in accordance with Policies DP36 and DP37 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).



12. No external lighting shall be installed on the site unless details of such proposals have been submitted to and approved in writing by the New Forest National Park Authority.

Reason: To protect the amenities of the area in accordance with Policies DP2 and SP15 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

13. No first floor windows other than those hereby approved shall be inserted into the units unless express planning permission has first been granted.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

14. No development, demolition or site clearance shall take place until the arrangements to be taken for the protection of trees and hedges on the site (as identified for protection in the approved plans), have been submitted to and approved in writing by the Local Planning Authority.

The agreed arrangements shall be carried-out in full prior to any activity taking place and shall remain in-situ for the duration of the development.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area, in accordance with Policies DP2 and SP6 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

15. The development hereby permitted shall not be occupied until:

a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority;

b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European sites, having regard to the conservation objectives for those sites; and

c) All measures forming part of that mitigation package have been

provided to the Local Planning Authority.

The development shall be carried out in accordance with and subject to the above details.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. To ensure that the proposal may proceed as sustainable development, there is a duty upon the Local Planning Authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Authority has had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and Policy SP5 of the adopted New Forest National Park Local Plan (2016 - 2036).

16. No development shall take place, (including any works of demolition), until a Construction Method Statement has been submitted to, and approved in writing by, the National Park Authority. The approved statement shall include scaled drawings illustrating the provision for –

- (a) A programme of and phasing of demolition (if any) and construction work;
- (b) The provision of long term facilities for contractor parking;
- (c) The arrangements for deliveries associated with all construction works;
- (d) Methods and phasing of construction works;
- (e) Access and egress for plant and machinery;
- (f) Protection of pedestrian routes during construction;
- (g) Location of temporary site buildings, compounds, construction material, and plant storage areas.

Works shall only take place in accordance with the approved details.

Reason: In the interests of highway safety and in accordance with Policy DP2 of the New Forest National Park Local Plan 2016-2036 (August 2019).

17. The drainage system shall be constructed in accordance with the 'Addendum to Drainage Report' dated 09 June 2023. Any changes to the approved documentation must be submitted to and approved in writing by Local Planning Authority in consultation with the Lead Local Flood Authority. Any revised details submitted for approval must include a technical summary highlighting any changes, updated detailed drainage drawings and detailed drainage calculations.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off

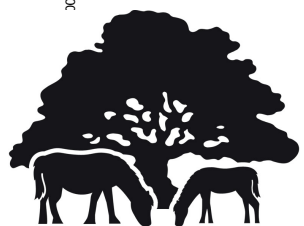
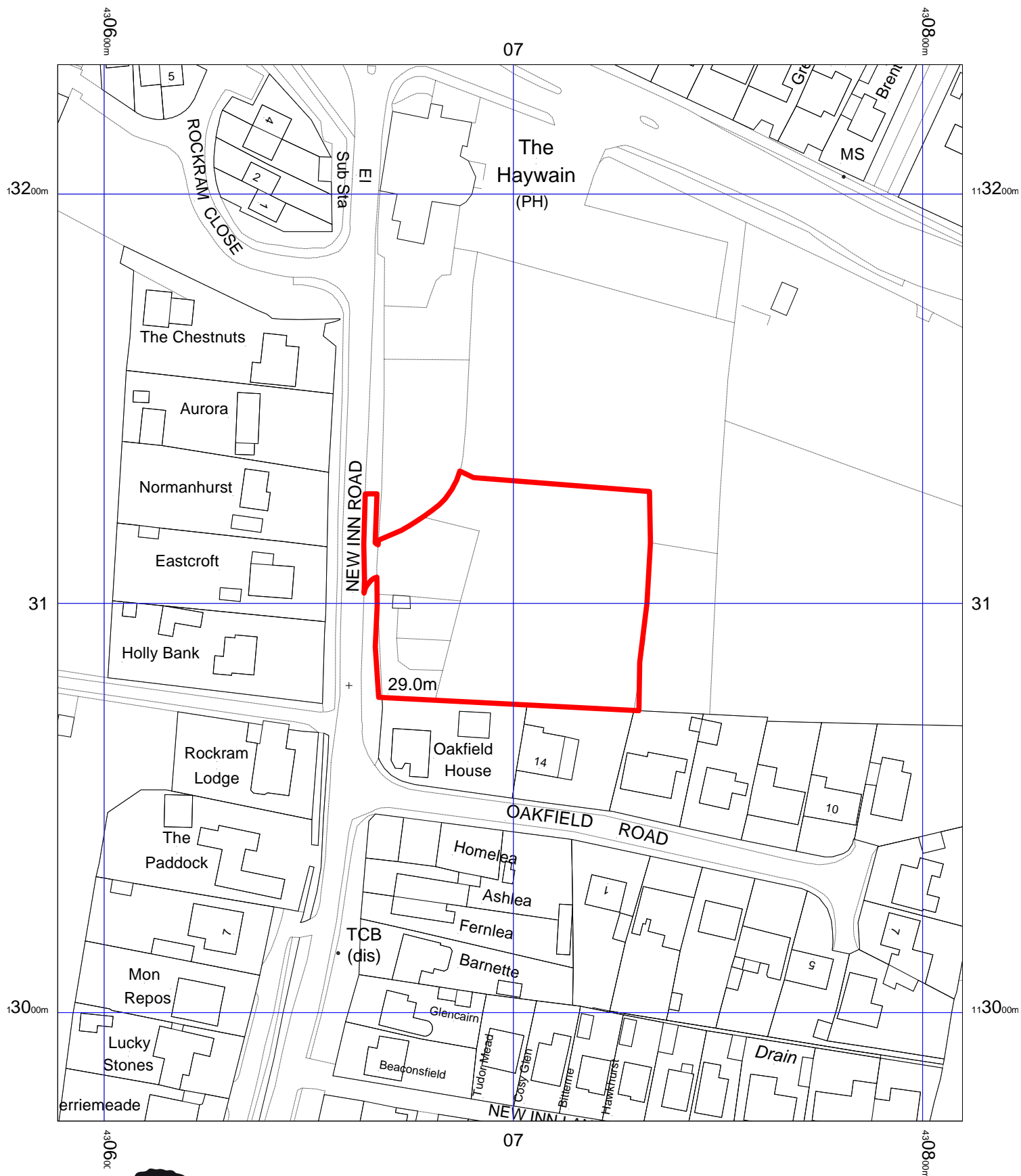
site resulting from the proposed development.

18. All dwellings to be provided shall comprise dwellings of maximum total internal habitable floor space of 100 square metres.

Reason: To meet the identified local housing need for smaller dwellings and to accord with Policy SP21 of the New Forest National Park Local Plan 2016-36 (August 2019)

**Appendix 1:**

Planning Committee report from 26 September 2023



NEW FOREST  
NATIONAL PARK

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

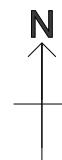
Tel: 01590 646600 Fax: 01590 646666

Date: 27/10/2023

**Ref: 22/00498**

**Scale: 1:1250**

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**Application No:** 22/00498 Full Application

**Site:** Land East of New Inn Road, Bartley SO40 2LR

**Proposal:** 10no. new dwellings; relocated vehicular and pedestrian access: associated parking and landscaping (AMENDED PLANS)

**Applicant:** English Rural Housing Association

**Case Officer:** Carly Cochrane

**Parish:** Copythorne Parish Council

## 1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view  
Rural Exception Site

## 2. POLICIES

### Development Plan Designations

Tree Preservation Order

### Principal Development Plan Policies

DP2 General development principles  
DP18 Design principles  
SP3 Major development in the National Park  
SP4 Spatial strategy  
SP5 Nature conservation sites of international importance  
SP6 The natural environment  
SP7 Landscape character  
SP15 Tranquillity  
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SP19 New residential development in the National Park  
SP21 The size of new dwellings  
SP28 Rural exceptions sites  
SP38 Infrastructure provision and developer contributions

### NPPF

Sec 5 - Delivering a sufficient supply of homes  
Sec 15 - Conserving and enhancing the natural environment

### Supplementary Planning Documents

Design Guide SPD  
Development Standards SPD

### **3. MEMBER COMMENTS**

None received

### **4. PARISH COUNCIL COMMENTS**

Copythorne Parish Council: Recommend refusal for the following reasons:

- SP28: Do not believe the conditions have been met. Several other large scale affordable housing developments have recently been approved in neighbouring parishes/towns (Ashurst, Netley Marsh/Totton) with greater links to local services, public transport etc.
- Highways issues: The Parish Council know what actually happens on the ground. Already the volume and activities of traffic at school drop off/collections time are unsafe, especially for children.
- Design: Building height in relation to neighbouring properties. Proposed buildings will be overlooked. Plots 3 to 6 in particular are too high.
- Flooding: Suggested SUDS drainage system not proven. Ground water monitoring has not been undertaken. Documents recently shared by the application to HCC as LLFA have not been updated to the NFNPA Planning Portal or shared with the Parish Council.
- Sewerage: Existing infrastructure is poor.
- Local distinctiveness: The proposals put forward by the developer for the site are the opposite of what is around it.
- Public transport: Lack of local services. Buses only run on two days of the week.
- Parking: Considered to be inadequate for the development and likely to spill out to an already busy road.

### **5. CONSULTEES**

Archaeologist: No objections, no proposed conditions.

Building Design & Conservation Area Officer: Support subject to conditions

Planning Policy Officer: Considers that the proposal would meet the requirements of Policy SP28 and would address an identified local need.

Tree Officer: Support subject to conditions

Landscape Officer: No comment provided.

Hampshire County Council Access Development: No response received.

Hampshire Country Council Children's Services: No additional primary or secondary school places needed to fulfil anticipated need arising from the proposed development.

Hampshire County Council Flood and Water Team: Objection raised to the initially proposed method of surface water management. No objection raised to the alternative method submitted, subject to condition.

Hampshire County Council Highways: No objection subject to condition

Natural England: Further information required. Update to be provided to Members at Planning Committee.

New Forest District Council Housing: Provision of new rural affordable housing to rent is welcomed and will meet a local need.

Southern Water: No objection subject to recommended condition.

## **6. REPRESENTATIONS**

86 letters of representation have been received from 43 representees, and some representees have submitted multiple comments. Of these 43 representees, two are in support of the application; 40 object and one makes comments to seek clarification. The material planning considerations raised are summarised, as follows:

Support:

- Development is much needed, built to enable local people or with link to the village to apply for one, and supports the younger generation who are unable to rent or buy locally due to high costs

Objection:

### Flooding/surface water run-off/drainage

- Concern that development on the land would exacerbate levels of surface water run off and displace it onto other properties, where there is already a flooding issue.
- Concern that the surveys carried out were not done at the appropriate times of year and therefore do not accurately reflect the flooding issues and levels of waterlogging.
- Concern with regard to impacts on nitrate and phosphate pollution
- Existing ground instability.
- Current drainage infrastructure cannot cope with the proposed new dwellings.

### Highway safety/Parking/Transport links

- New Inn Road suffers congestion, cars parked along the verges and high vehicle speeds. At times when cars are parked along the road, there is limited visibility.
- Public transport links in Bartley are very poor and therefore car ownership is a necessity.
- Development will create a dangerous junction.
- New Inn Road is also used by lots of cyclists and horse riders.

- Traffic count survey was undertaken just after schools reopened in March 2021 and after school drop off time, and therefore does not accurately document the situation.
- Majority of community uses are on northern side of Southampton Road, and the crossing here is hazardous.
- Submitted Transport Statement includes errors in its detail.

#### SP28 and Policy

- Proposal does not meet or comply with the policy requirements- there is insufficient public transport.
- Contrary to the NPPF.

#### Design

- Concerns in respect of ground levels and the provision of flat surfaces for access.
- Concerns in respect of bin-carry distances.
- Dwellings bear no resemblance to the local area and appear out of keeping.
- No 1-bed units proposed.
- Overdevelopment of the site and area.
- Adverse impact upon the visual amenity of the area.
- There are no other flats in Bartley and the provision of them is out of keeping.
- Layout does not respect patterns of development in the area.

#### Neighbouring amenity

- Concerns with regard privacy and overlooking.

#### Affordable Housing

- Already have 'quota' of affordable housing in Bartley- query why are other areas not being considered.
- Number and nature of units proposed does not relate to the NFDC figures.
- Housing needs survey is out of date.

#### Other

- There remains an access to the rest of the agricultural land. Concerns over a future phase 2 as the applicant has an option on the remainder of the land.
- Concerns with regard impact on wildlife
- Severe pressure on pasture land in Copythorne

A letter of representation has also been received from Hampshire Swifts, with the request that at least 10 integral swift bricks are installed in accordance with best practice.



## **7. RELEVANT HISTORY**

No relevant planning history.

## **8. ASSESSMENT**

### **Introduction**

- 8.1 The application site is located to the eastern side of New Inn Road and comprises a parcel of agricultural land measuring approximately 0.3 hectares and which is currently used for the grazing and keeping of livestock. The site is part of a wider parcel of agricultural land, which adjoins The Haywain Public House in the north, and further agricultural land to the east. The site immediately adjoins the boundaries of residential properties at Oakfield Road to the south, and to the west and across New Inn Road are further residential properties arranged in a linear form and spanning the length of New Inn Road. The site is not within a conservation area, and it is approximately 350 metres to the New Forest SSSI and the New Forest's international nature conservation designations. There is a Tree Preservation Order (TPO/0007/20) which protects seven individual Oak trees and a group of five Oak trees, located along the west, south and eastern site boundaries. Access into the site is currently within the south western corner, adjacent to the residential property of Oakfield House, and a grass verge and ditch with the aforementioned TPO Oak trees border the western site boundary.

### **Proposed Development**

- 8.2 This application seeks permission for the erection of ten affordable dwellings, with six two storey houses and four apartments arranged with two units (two storey houses) facing New Inn Road, and two staggered 'L' shaped blocks of four dwellings each, laid out to mirror one another and create a central courtyard. The units would have a floorspace of between 64 square metres and 93 square metres in accordance with Policy SP21. Each unit would have its own private garden area with small outbuilding and bin store, and two parking spaces per unit have been allocated (in accordance with Annex 2 of the Local Plan); some of the spaces are under covered car ports. Three visitor spaces have also been allocated. A five-bar gate is to be provided adjacent to the northern boundary in order to allow access for the owners into the agricultural land not subject of this application. An area measuring approximately 300 square metres between this gate and the entrance to the site would be planted as a species rich meadow. Gardens along the southern and western part of the site would be enclosed by 1.8 metre high hit and miss timber fencing, with a green 'buffer' between the fence and the site boundaries. Gardens along the northern boundary would be enclosed by a 1.2 metre high post and chainlink fence, again set back from the site boundary with a 0.9 metre high stockproof fence along the site boundary.

### **Policy Background**

- 8.3 The National Planning Policy Framework (NPPF) (2023) states “in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs.” This is consistent with the National Parks Circular (2010), which is cross-referenced in both the NPPF and also the National Planning Practice Guidance (NPPG) resource on ‘landscape’. Paragraphs 78 and 79 of the Circular state “The expectation is that new housing [in National Parks] will be focused on meeting affordable housing requirements, supporting local employment opportunities and key services. The Government expects the [National Park] Authorities to maintain a focus on affordable housing and to work with local authorities and other agencies to ensure that the needs of local communities in the Parks are met and that affordable housing remains so in the longer term.”
- 8.4 The evidence base for the New Forest National Park Local Plan review identified a significant affordable housing need arising from the communities within the National Park. The delivery of affordable housing on rural exception sites plays a key role in meeting these identified needs in the New Forest National Park outside of the four 'defined villages'. A rural exception site policy exists in many areas of the country and has been in place for decades in the New Forest to provide housing for people with a local connection to the relevant parish. Policy SP19 (New residential development in the National Park) of the Local Plan makes provision for an additional 800 net new dwellings in the New Forest National Park between 2016 – 2036. An important element of this new housing provision (making up half the total planned provision) is ‘windfall sites’, comprising land not otherwise allocated for housing. Windfall site development in the National Park includes rural exception sites and over 30 dwellings have been completed on such sites in Brockenhurst, Bransgore, Breamore and Pilley since the National Park was designated in 2005.
- 8.5 As aforementioned, the NPPF confirms that in rural areas, authorities should plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites. Outside the defined villages of the National Park and the housing site allocations, rural exception sites can provide an important source of affordable housing to meet local needs on land that would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have a connection to the area. Whilst the NPPF may allow for small numbers of full market homes upon a rural exception site, the viability assessment which formed part of the Local Plan evidence base concluded that open market housing on rural exception sites is not necessary to make them deliverable within the context of the National Park. However, the evidence does highlight that a degree of flexibility may be required on the tenure of affordable housing on rural exceptions sites to ensure they are viable, and the Local Plan therefore supports an element of shared ownership/intermediate ownership affordable housing (25%) alongside affordable rented housing (75%). This application reflects the strategic policy position set out in the adopted Local Plan.

8.6 Policy SP28 therefore permits small-scale rural exception sites, in locations in or adjoining villages (not only defined villages) to meet the identified needs of local people in these areas, where 100% of the housing is affordable. Proposals for such exception sites should meet the following criteria, and therefore:

- a) Meet a particular local need that cannot be accommodated in any other way;
- b) Be subject to a planning obligation under Section 106 of the Town and Country Planning Act (1990) to ensure that the dwellings provide for low-cost housing for local needs in perpetuity;
- c) Be capable of management by an appropriate body, for example a Registered Provider, the Authority, or a community land trust or similar accredited local organisation; and
- d) Be located where there are appropriate local services (e.g. shops, schools and public transport).

In addition, Policy SP21 (The size of new dwellings) limits new dwellings to a maximum total internal habitable floor area of 100 square metres.

### **Preapplication advice**

8.7 Preapplication advice was sought in respect of this development in 2021, which led to the TPO being served to ensure that the amenity trees were protected. The conclusions given were that the location of the proposed development regarding proximity and access to local services in Copythorne was considered suitable in principle and that there is evidence of a local housing need, and that access, design, trees and impacts upon ecology and nitrates would need addressing as part of any future application.

### **Site selection**

8.8 As aforementioned, the evidence base for the Local Plan review indicated a significant affordable housing need arising within the National Park. This local need amounted to circa 71 affordable dwellings per annum, far in excess of the scale of development planned for in the Local Plan. This indicates a significant unmet affordable housing need arising from within existing communities.

8.9 The Copythorne parish housing needs survey from 2014 recommended the development of 10-15 affordable dwellings to address local needs arising. Following this housing needs survey, approximately 30 sites within the Parish were considered, of which eight had scope for development. Amongst these eight sites, 'site 5a' was considered by Authority Officers as a potentially suitable site for a small affordable housing development, 'subject to appropriate access being sought'. It was also noted that 'the site lies in close proximity to facilities and is unlikely to have a detrimental impact on other adjoining residential development'. 'Site 5a' site is the application site.

8.10 In terms of alternative options for meeting local affordable housing needs, it should be noted that there are no housing site allocations in the parish of Copythorne. As none of the settlements in the Parish, which has a total

population of approximately 2,750, have defined settlement boundaries (i.e. they are not one of the defined villages as per Policy SP4) no net new dwellings, including affordable dwellings, have been completed in the Parish for over 15 years. The last housing development of any scale in the Parish was at Rockram Close, which was granted permission in 2004 before the National Park was designated. Local housing needs arising in Copythorne will not be directly addressed by development in neighbouring areas such as the housing site allocations at Ashurst and Lyndhurst, where the new affordable housing to be provided will have a local connection to those parishes in the first instance; or on land outside the National Park (e.g. land north of Totton in New Forest District), where the affordable housing provided will not be covered by a local connections criteria and will instead be available for people in priority housing need across the whole of New Forest district. It is therefore clear that rural exception site development is the best way to address local housing needs in Copythorne and the only route that ensures local housing needs arising in the parish are met through new development.

### **Mix and Tenure**

- 8.11 The proposed mix of dwellings is as follows:
- 4 x 2 bedroom/4 person houses, 79sqm
  - 2 x 3 bedroom/5 person houses, 93sqm
  - 4 x 2 bedroom/3 person flats, 64sqm
- 8.12 The proposed development would provide ten affordable rented units, which although does not meet the whole of the identified need as per the housing needs survey, would represent a significant contribution to addressing this need. The tenure of the units would be subject to the rural local connection requirements of the New Forest District Council's (NFDC) Housing Allocations Policy. This gives priority to those with a local connection to the parish, followed by those with a local connection to neighbouring parishes. This means of allocation is reflected in Policy SP28 and Annex 3 of the adopted Local Plan and would also be controlled by the legal agreement.

### **Management**

- 8.13 The application has been submitted by, and the units would be owned and managed by, English Rural, who are one of the leading rural affordable housing providers in the country and who have been in operation for over 30 years. English Rural manage over 1,250 existing affordable properties in the country and are an existing member of NFDC's Homesearch partnership as well as being one of NFDC's preferred affordable housing providers. English Rural are therefore an 'appropriate body' for the purposes of considering this application and meeting the policy requirements.

### **Local services**

- 8.14 With the exception of the defined villages, and when compared with other villages and communities within the National Park, the Bartley and Cadnam area has a reasonable range of local services. There is a local

post office and Fourways store in Bartley. Close to the application site is the Haywain public house, Bartley junior school, the Spar local store, pharmacy, garden centre, village hall and other local conveniences. The A336 Southampton Road is served by public transport. Within the context of the wider National Park then, this is a reasonable range of local services and notably, a greater range available than at sites in communities such as Breamore and Pilley where rural exception sites have previously been supported. Arguably, the location is one of the most appropriate when considering access to and availability of appropriate local services which provide the necessary amenities for day to day living.

- 8.15 To summarise, the proposal is considered to satisfy all requirements of Policy SP28 and is therefore policy compliant in this respect.

### **Design**

- 8.16 With ten proposed units upon a 0.3 hectare site, the overall development density equates to circa 30 dwellings per hectare. This is not considered to be inappropriately high, with national planning policy encouraging the efficient use of land and densities of greater than 50 dwelling per hectare in areas with good accessibility to public transport. Plot sizes, particularly in relation to the two 3 bedroom/5 person houses which have been designed as a semi-detached pair, are not significantly dissimilar to those with the local area. The layout and grain of development found at New Inn Road and surrounding roads, such as Oakfield Road, New Inn Lane and Abbotsford, and within the wider area, along Shepherds Road, Shepherds Close and Pundle Green, is relatively compact, and the proposed development would not appear so different in its layout and density such that it would be considered incongruous.
- 8.17 The ground levels within the site slope east to west, and rather than building the land up so that the dwellings sit upon the same ground level, the dwellings are staggered to reflect the levels; this also provides opportunity to reduce the visual impact of the development as there would be limited artificial ground raising.
- 8.18 There is wide variety in the design, scale and materials of dwellings within the locality, and few are considered to be of a traditional 'Forest' design or be of any architectural merit; those dwellings which do appear to be of some historic interest have had their traditional features eroded through the use of modern materials and the addition of large extensions. There are no listed buildings or non-designated heritage assets within the immediate area, and therefore there is no set character and appearance to the area. The proposed dwellings would be simple in their appearance, with limited fenestration, and the blocks would feature diminishing ridgelines so as to distinguish between units and reduce massing. The proposed materials palette and configuration has been subject to some negotiation, and resultantly is comprised of a mix of brick, with horizontally hung stained timber cladding to the majority of the first floors, slate roofs and dark grey windows and doors. Whilst, as identified, there is variety within the materials used in the local area, cues have been taken from the local vernacular in respect of the use of brick and slate.

These materials, along with the natural timber cladding, are supported within the adopted Design Guide SPD. To replicate the housing style within the immediate locality would be neither desirable, for reasons stated, or viable. The overall design of the proposed units is considered to be appropriate, and would contribute to the character and appearance of the area. Overall, it is not considered that the proposal would result in any harmful impact upon the visual amenity of the area.

### **Impact upon neighbouring amenity**

- 8.19 The application site and units closest to the southern boundary would back onto properties at Oakfield Road, notably Oakfield House and number 14 Oakfield Road. The relationship of these properties with the proposed units are side/side in respect of Oakfield House (although the dwelling has its front door facing Oakfield Road, it is clear that the dwelling was originally constructed within its front elevation facing New Inn Road, and therefore the fenestration layout upon the side (northern) elevation is typical of a side elevation) and Plot 2, and back/back in respect of 14 Oakfield Road and Plots 3 and 4. The plans show separation distances of approximately 20 metres between the respective existing and proposed dwellings. The ridge heights of the proposed new dwellings would measure approximately 8.4 metres, which is similar to the dwellings proposed at the allocated site at Whartons Lane. Fenestration upon the southern elevations of the dwelling in the block and the semi-detached dwelling is limited, particularly at first floor level, with four openings in total and one rooflight, and the plans are annotated to show that the first floor windows upon this elevation would be obscure glazed.
- 8.20 In respect of back to back separation distances for two storey dwellings, 20 metres is widely accepted as being sufficient to protect residential amenity. Similar or lesser back to back distances can be found between properties at New Inn Lane and Abbotsford, and New Inn Lane and Oakfield Road. As aforementioned, there would be limited fenestration upon the elevations facing the existing dwellings at Oakfield Road. Consideration must also be given to the amenity of future occupiers; 14 Oakfield Road comprises dormer windows within the roof and currently enjoys views of the agricultural land. It is therefore considered reasonable to suggest that there would be a degree of overlooking into the new rear gardens of the units, and that this impact is likely to be greater than the overlooking of existing properties by the new units. Further, the existing vegetation along the boundary would be retained, and additional tree planting is proposed along this boundary to provide additional screening.
- 8.21 It is accepted that the outlook currently experienced by the occupiers of properties at Oakfield Road would alter as a result of the development. The southern block of units would measure a total width of approximately 25 metres and align with the plot of 14 Oakfield Road; this is therefore the dwelling most impacted by the proposed development. The garden area serving this property is to the side and east of the dwelling, and therefore not directly aligned with the proposed new units. However, due to the separation distances, it is not considered that the proposed

development would result in a significantly harmful overbearing impact. Similarly, and in combination with the location of the properties at Oakfield Road to the south of the development site, it is not considered there would be any adverse impact in respect of overshadowing or direct loss of light.

- 8.22 Likewise, it is not considered that the layout or design of the units would give rise to amenity impacts for the future occupiers of the dwellings within the development.

### **Trees**

- 8.23 Trees along the boundaries of the site are protected by a TPO, and some trees not included within the TPO are proposed to be removed. It is not considered that the proposal would directly impact upon or result in the protected trees being compromised, however, the proposal is accompanied by a landscaping plan, the details of which, along with Tree Protection Measures, can reasonably be conditioned. There is no objection from the Authority's Tree Officer.

### **Open space provision**

- 8.24 On-site public open space provision in new developments is typically sought when a meaningful area of open space (as distinct from private amenity space) can be provided against the policy requirements. A quantitative figure of circa 0.2 hectares for central open space is the smallest area many planning authorities accept as meaningful in terms of providing some public open space functions. Areas smaller than this are considered too small to be usable and become a burden to maintain. This application generates a public open space requirement of 0.08 hectares (850m<sup>2</sup>), which is well below the minimum quantitative figure that planning authorities typically seek and is too small to offer the necessary open space functions. However, in order to seek contributions from developers towards the improvement of existing open space or the provision of new open space there needs to be up-to-date evidence of either a quantitative or qualitative deficiency of open space. Outside of sites within the defined villages, there is no existing up to date evidence of open space provision and deficiencies which would enable the Authority to seek contributions towards open space in this instance. Therefore, when considered against the legal tests for seeking contributions, it is not justified in this instance.

### **Highways**

- 8.25 Significant concern has been raised in relation to highway safety and the additional pressures on the localised highway network arising as a result of the proposed development. It has been evidenced through representations that New Inn Road experiences high volumes of traffic at particular times of the day which coincide with the drop off and collection times at Bartley Junior School, with on-road parking resulting in reduced space left available for traffic passing through. This is clearly an existing issue which is beyond the control of the applicant and the Authority; the entirety of New Inn Road is unrestricted and therefore parking on the

highway is not prohibited. New Inn Road is a 30mph single carriageway road and it also has a continuous footway provision along its entirety. The proposal includes the creation of a footpath to the north of its access, which would then connect to a pedestrian crossing. Access into the site would be via an existing agricultural access, which would be widened to approximately 10 metres and provide a 5.5 metre wide internal road. The Highway Authority have considered Personal Injury Accidents (PIA) data obtained from Hampshire Constabulary and identified four accidents within the vicinity for a period between 2016-2021. The number of forecasted trips generated by the proposed development would be approximately five additional trips between the A.M and P.M peak periods, with an additional 45 daily trips. The level of trips generated is considered acceptable, and it is also not considered that this level of additional trips would exacerbate existing accidents patterns. The visibility splays proposed are also considered appropriate. It is noted that outside of the identified peak periods, New Inn Road is not considered to be subject to significant or heavy volumes of traffic. Overall, it is not considered that the proposal would result in any significant or significantly exacerbated impacts in respect of highway safety. National planning policy confirms, "...development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe..." - paragraph 11, NPPF, 2023. The consultation response from the statutory highways authority confirms this is not the case with this application.

- 8.26 In respect of the layout and parking provision within the site, swept paths have been provided which are considered acceptable. Two parking spaces per unit would be provided, and whilst not explicit, the small outbuildings within the gardens would provide cycle storage. It is therefore considered that the proposed development would meet the required standards set out in Annex 2 of the Local Plan (2019).

### **Surface water run off/flooding**

- 8.27 Significant concern has also been raised in respect of surface water run off and the impacts in respect of flooding already experienced at properties within the area. The applicant's initial proposal in respect of surface water drainage was not supported by the Lead Local Flood Authority (LLFA) as there was insufficient evidence available to ascertain the effectiveness of the proposed system, and it was considered that there were alternative methods for managing surface water run-off available to the applicant that would appropriately address the matter. As such, further survey work was conducted and an existing field ditch, falling within the application site, was identified. Resultantly, the drainage strategy was revised to make use of this ditch, into which surface water run-off already drains to due to the topography, and the concerns of the LLFA have been overcome. Ordinary watercourse consent will be required in order to connect to the ditch, and a condition in relation to the long term maintenance arrangements for the surface water drainage system has been recommended.

### **Mitigation of recreational impacts**



- 8.28 Prior to mitigation, the Habitat Regulations Assessment of the Local Plan could not rule out the recreational impacts of any new residential and visitor accommodation throughout the National Park having a likely significant in combination effect on the New Forest SPA and SAC sites. Consequently, mitigation is required for all proposals of these types of development for their recreational impacts on these New Forest designated sites. In addition, development within 5.6km of the Solent coastal designations is required to address increased recreational impacts and there is an established strategic mitigation scheme in place (Bird Aware Solent). In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting planning permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Authority's adopted Mitigation Strategy (2020) and the established Bird Aware Solent mitigation scheme or mitigation to at least an equivalent effect. An appropriate condition would be attached to satisfy this requirement. There are established recreation mitigation schemes in place for both the New Forest and Solent designated sites that are supported by Natural England that contributions would be directed towards.

### **Nutrient Impacts**

- 8.29 Natural England have advised that there is uncertainty as to whether future housing and visitor accommodation development will adversely impact the protected habitats of the Solent due to increased levels of nitrates entering the system. In accordance with Natural England's advice to local planning authorities along the Solent coast, the potential impacts from nitrates have been considered in assessing this application. The applicant has provided a nutrient budget which has been assessed. Natural England have queried the occupancy rate used and have incorrectly identified the New Forest District Council occupancy rate which is based on development within New Forest district - a separate local planning authority with a different demographic and development profile. The National Park Authority applies the occupancy figure recommended in Natural England guidance and methodology, which is based on Census data. It is this figure that has been correctly used by the applicant within the nutrient budget.
- 8.30 The application site is within the Bartley Water sub-catchment of the Solent. For nutrient mitigation purposes the impacts of new development in this area of the New Forest National Park can be off-set in the wider Test & Itchen catchment, as per Natural England's guidance. The National Park Authority has an overarching legal agreement in place with Eastleigh Borough Council to enable development in this area of the National Park to access available nitrate credits from the Eastleigh

Borough Council mitigation sites in the Test & Itchen catchment. The Borough Council's schemes have available capacity and it is envisaged the applicant will purchase credits from this approved scheme. This will be secured by an appropriately worded planning condition.

- 8.31 Natural England has been consulted further, and an update will be provided at the committee meeting. Subject to securing appropriate mitigation in order to achieve a nutrient neutral scheme, the Authority's obligations as a 'competent authority' under the Conservation of Habitats and Species Regulations 2017 are considered to be met.

### **Biodiversity Net Gain**

- 8.32 Policy SP6 requires opportunities to enhance ecological assets to be maximised and the Environment Act received royal assent in November 2021 with biodiversity gain objectives and will become mandatory later this autumn. The applicant has used the DEFRA 3.1 metric to assess the proposals. This metric provides a way of measuring and accounting for biodiversity losses and gains from development. It has been applied to the existing and proposed habitats on the site. The calculation shows a total net habitat gain of 0.25 habitat units and 0.22 hedgerow units, which equates to a 12.59% increase for habitat units and 74.87% increase for hedgerow units and as such, the net gain for biodiversity requirements have been met. These measures would be secured by condition and results in the required biodiversity net gain objectives being delivered on-site as part of the development.

### **Other**

- 8.33 Hampshire County Council, as the local education authority, has confirmed that the development would generate a total of three additional primary age children. The site would be served by Copythorne Infant and Bartley Junior Schools, and although both schools are at capacity, they are forecasting surplus places and consequently, no additional primary school places will be needed to cater for the forecasted additional pupils. Hounslowdown Secondary School also serves the site; this school does not fill from within its catchment area and therefore no additional secondary school places will be needed.
- 8.34 In accordance with the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the applicant's written agreement has been received in relation to the proposed pre-commencement conditions.

### **Conclusion**

- 8.35 The proposal provides the opportunity to meet an identified local housing need, within an appropriate location in respect of access to local facilities and amenities, and without resulting in any significant harm to either the character and appearance of the area, neighbouring amenity, highways or trees. Both national and local planning policy places a strong emphasis on the delivery of affordable housing in National Parks for local people in housing need and this proposal has been brought forward by an established provider of rural exception sites. Appropriately worded

conditions can secure the necessary mitigation measures in respect of recreational impacts and nitrates, and it is therefore recommended that permission is granted, subject to a Section 106 legal agreement.

## **9. RECOMMENDATION**

Subject to the prior completion of a section 106 agreement the Executive Director of Strategy & Planning be authorised to grant planning permission subject to the following conditions:

### **Condition(s)**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Development shall only be carried out in accordance with drawing nos:

2842-APLB-XX-00-DR-A-1000 Rev P02, 2842-APLB-XX-00-DR-A-1002 Rev P02, 2842-APLB-XX-00-DR-A-1105 Rev P17, 2842-APLB-XX-00-DR-A-1107 Rev P04, 2842-APLB-XX-00-DR-A-2000 Rev P07, 2842-APLB-XX-01-DR-A-2001 Rev P07, 2842-APLB-XX-02-DR-A-2002 Rev P05, 2842-APLB-CT-00-DR-A-2100 Rev P07, 2842-APLB-XX-XX-DR-A-3010 Rev P05, 2842-APLB-XX-XX-DR-A-3011 Rev P05, 2842-APLB-XX-XX-DR-A-3012 Rev P06, 2842-APLB-XX-XX-DR-A-3013 Rev P06, 14390\_S1, 20254-01a, 20254-01b, LP01.

No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority.

Reason: To ensure an acceptable appearance of the building in accordance with Policies SP16, SP17, DP18 and DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

3. The ten residential units hereby approved shall be used solely for the purposes of affordable housing for rent as defined in Annex 2 of the National Planning Policy Framework (2023).

Reason: The dwellings are only justified on the basis that it is necessary to provide housing to meet a locally identified need within the settlement of Copythorne, in accordance with Policy SP28 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

4. No development shall take place until the proposed slab levels in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved in writing by the New Forest National Park Authority.

Development shall only take place in accordance with those details which have been approved.

Reason: To ensure that the development takes place in an appropriate way in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

5. No development shall take place above slab level until samples or exact details of the facing and roofing materials have been submitted to and approved in writing by the New Forest National Park Authority.

Development shall only be carried out in accordance with the details approved.

Reason: To ensure an acceptable appearance of the building in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

6. The development hereby permitted shall not be occupied until the arrangements for parking and turning within its curtilage have been implemented.

These areas shall be kept available for their intended purposes at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and to comply with Policy DP2 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019) and Section 9 of the National Planning Policy Framework.

7. All hard and soft landscape works shall be carried out in accordance with the approved details, plan no. LP01. The works shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the National Park Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy DP2 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

8. Prior to the commencement of development ecological mitigation for the Solent and New Forest Special Protection Areas, Special Areas of Conservation and Ramsar sites shall be submitted to and approved in writing by the New Forest National Park Authority. The ecological mitigation may take the form of a planning obligation which secures financial contributions in accordance with the Authority's Habitat Mitigation Scheme and the Solent (SRMP) Explanatory Note.

Reason: To safeguard sites of international ecological importance in accordance with Policies SP5 and SP6 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019), the Authority's Habitat Mitigation Scheme and the SRMP.

9. Unless otherwise agreed in writing by the National Park Authority, development shall only take place in accordance with the recommendations for ecological mitigation and enhancement which are set out in the Ecological Impact Assessment (November 2022) hereby approved. The specified measures shall be implemented and retained at the site in perpetuity.

Reason: To safeguard protected species in accordance with Policies DP2 and SP6 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) England Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order, shall be erected or carried out without express planning permission first having been granted.

Reason: To ensure the dwellings remains of a size which is appropriate to their location within the countryside, to ensure an acceptable appearance of the development, and to comply with Policies DP35 and DP36 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

11. The outbuildings the subject of this permission shall only be used for purposes incidental to the dwelling on the site and shall not be used for habitable accommodation such as kitchens, living rooms and bedrooms.

Reason: To protect the character and appearance of the countryside in accordance with Policies DP36 and DP37 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

12. No external lighting shall be installed on the site unless details of such proposals have been submitted to and approved in writing by the New Forest National Park Authority.

Reason: To protect the amenities of the area in accordance with Policies DP2 and SP15 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

13. No first floor windows other than those hereby approved shall be inserted into the units unless express planning permission has first been granted.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

14. No development, demolition or site clearance shall take place until the arrangements to be taken for the protection of trees and hedges on the site (as identified for protection in the approved plans), have been submitted to and approved in writing by the Local Planning Authority.

The agreed arrangements shall be carried-out in full prior to any activity taking place and shall remain in-situ for the duration of the development.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area, in accordance with Policies DP2 and SP6 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

15. The development hereby permitted shall not be occupied until:
  - a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority;
  - b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved

in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European sites, having regard to the conservation objectives for those sites; and

c) All measures forming part of that mitigation package have been provided to the Local Planning Authority.

The development shall be carried out in accordance with and subject to the above details.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. To ensure that the proposal may proceed as sustainable development, there is a duty upon the Local Planning Authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Authority has had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and Policy SP5 of the adopted New Forest National Park Local Plan (2016 - 2036).

16. No development shall take place, (including any works of demolition), until a Construction Method Statement has been submitted to, and approved in writing by, the National Park Authority. The approved statement shall include scaled drawings illustrating the provision for –

- (a) A programme of and phasing of demolition (if any) and construction work;
- (b) The provision of long term facilities for contractor parking;
- (c) The arrangements for deliveries associated with all construction works;
- (d) Methods and phasing of construction works;
- (e) Access and egress for plant and machinery;
- (f) Protection of pedestrian routes during construction;
- (g) Location of temporary site buildings, compounds, construction material, and plant storage areas.

Works shall only take place in accordance with the approved details.

Reason: In the interests of highway safety and in accordance with Policy DP2 of the New Forest National Park Local Plan 2016-2036 (August 2019).

17. The drainage system shall be constructed in accordance with the 'Addendum to Drainage Report' dated 09 June 2023. Any changes

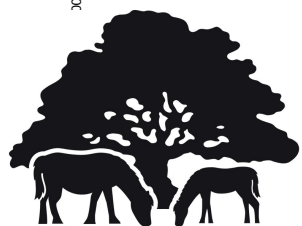
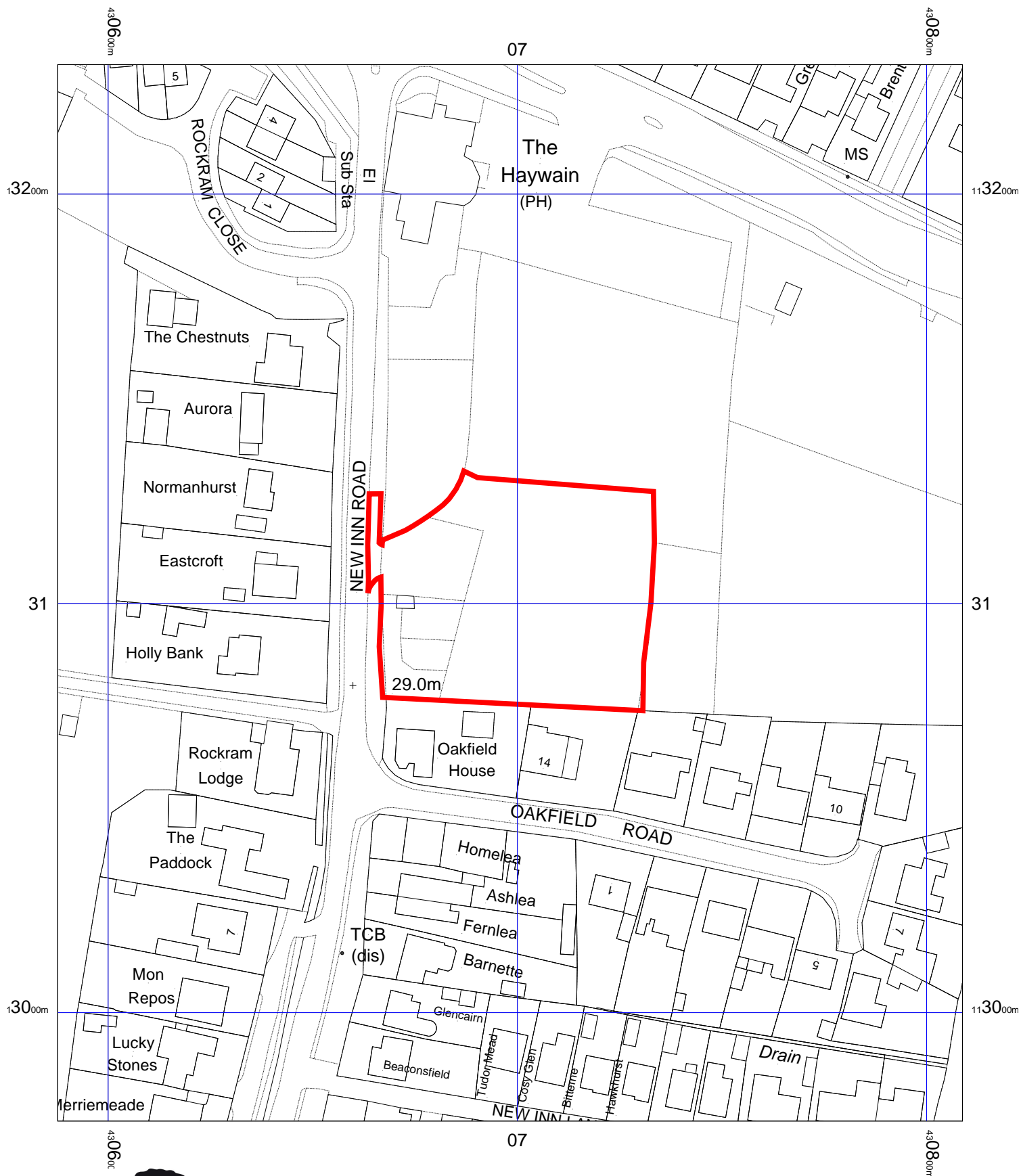
to the approved documentation must be submitted to and approved in writing by Local Planning Authority in consultation with the Lead Local Flood Authority. Any revised details submitted for approval must include a technical summary highlighting any changes, updated detailed drainage drawings and detailed drainage calculations.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off site resulting from the proposed development.

18. All dwellings to be provided shall comprise dwellings of maximum total internal habitable floor space of 100 square metres.

Reason: To meet the identified local housing need for smaller dwellings and to accord with Policy SP21 of the New Forest National Park Local Plan 2016-36 (August 2019)





NEW FOREST  
NATIONAL PARK

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

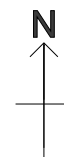
Tel: 01590 646600 Fax: 01590 646666

Date: 18/08/2023

**Ref: 22/00498**

**Scale: 1:1250**

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**Application No:** 23/01040FULL Full Application

**Site:** Lynton, Partridge Road, Brockenhurst SO42 7RZ

**Proposal:** 1no. dwelling; hardstanding

**Applicant:** Mr P Ledger

**Case Officer:** Liz Marsden

**Parish:** BROCKENHURST PARISH COUNCIL

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**1. REASON FOR COMMITTEE CONSIDERATION**

Significant local interest

**2. POLICIES**

**Development Plan Designations**

Defined New Forest Village Brockenhurst

**Principal Development Plan Policies**

SP15 Tranquillity

SP17 Local distinctiveness

SP19 New residential development in the National Park

DP2 General development principles

DP18 Design principles

SP21 The size of new dwellings

DP34 Residential character of the Defined Villages

SP4 Spatial strategy

SP20 Specialist housing for older people (Use Class C2)

**NPPF**

Sec 5 - Delivering a sufficient supply of homes

Sec 12 - Achieving well-designed places

Sec 15 - Conserving and enhancing the natural environment

**Supplementary Planning Documents**

Design Guide SPD

### **3. MEMBER COMMENTS**

Cllr Adam Parker (NFDC Councillor for Brockenhurst)

- Would like to see the planning authority encouraging and supporting building initiatives, such as this energy efficient passivhaus, whenever possible, in the right places and in accordance with local planning considerations.
- Aware that there have been many consultations are responses and 36 interested parties the majority in favour of this type of sustainably built, low carbon footprint, house as a precedent for other houses in the area.
- In addition to positive responses logged on the NFNPA planning portal, I have received 16 emails from Brockenhurst residents (either Partridge Road or nearby) who support the application and I have spoken to numerous neighbours who are in support of it. There appears to be a groundswell of support and goodwill for the application. I am only four months into the role as a recently elected Green Party councillor, but this is a first for me to encounter such positivity about an application. On the basis of the need for more housing of this type locally and this level of support, please consider me in support of these plans.

### **4. PARISH COUNCIL COMMENTS**

Brockenhurst Parish Council: Recommend refusal but would accept the decision reached by the National Park Authority's Officers under their delegated powers for the following reasons:

The committee welcomed the design proposition for the Passive house. However, this application has a similar problem to that of the adjacent property which has already had an appeal decision rejected. The siting in the plot would upset the environmental considerations. Moreover, the proposed plan would have a negative effect on Highwood Road.

### **5. CONSULTEES**

Tree Officer: Objection. Whilst it is accepted that the proposal could be accommodated without direct adverse impact on nearby trees, the potential overbearing impact and shading of the limited amenity area could result in future pressure to fell or prune the trees. The shading report that has been provided demonstrates that the plot is in shade for a considerable part of the day and the future growth of the young Oak that has recently been planted as replacement for a tree that was removed has not been illustrated accurately. For 50 years growth it would be expected to be at least 15m tall and similar in size to adjacent Oak trees as it would have reached maturity.

Policy Officer: The recent appeal decision on the adjacent plot is a material consideration in the determination of this application as is Policy DP34 relating to the character of the defined villages. It is recognised that

evidence of demand for self and custom housebuilding is also a material consideration, but the weight afforded to this should not, alone, be determinative in the assessment of the application.

Natural England: No objection subject to appropriate mitigation being secured

## **6. REPRESENTATIONS**

38 letters of support from 36 households on the grounds of:

- Provides accommodation for local residents wishing to downsize.
- Important to provide small family homes in Brockenhurst, which is dominated by large properties.
- Demonstrates what can be provided within policy restrictions.
- Minimal environmental and visual impact and would enhance Highwood Road.
- Sustainable, high quality design and Passiv Haus credentials which should be encouraged and set a good precedent for future development in the National Park.
- Good location for family dwelling.
- Highwood Road is no longer rural in character and, given the presence of the village hall, surgery and play areas, the proposal would not have an adverse impact on the character of the area.
- Would enhance the sense of community on Highwood Road and some natural surveillance for users of the facilities there.
- Would not conflict with the other uses on Highwood Road.
- Important for the community to support projects that will assist in the fight against climate change.
- Need for smaller, single storey properties in the village.
- Precedent set by the subdivision of a site on Sway Road.

Friends of Brockenhurst also supported the proposal making following comments:

- Would provide much needed housing without undue urbanisation or damage to the New Forest SPA.
- Do not agree with the recent appeal decision, as due to the changes that have taken place along Highwood Road, it is no longer particularly rural.
- The design of the dwelling is satisfactory but the landscaping less so.

Three letters of objection on grounds of:

- Adverse impact on the character, appearance and well-being of the surrounding area.
- Increased urbanisation.
- Is in close proximity to a mixed-use games and area and could result in safety concerns.
- Adverse impact on neighbours due to increased noise and disturbance.

- Recent appeal decision dismissing a similar proposal on the adjacent site.
- Would set a precedent that would make it difficult to refuse further applications along the road that would have an increased and adverse cumulative impact on the road.
- Whilst the comprehensive development of this side of the road could result in an acceptable form of development, this is not what is being proposed and it is necessary to consider the application on its merits.

## **7. RELEVANT HISTORY**

### **Application Site**

Replacement dwelling; garage (21/01036) granted on 21 March 2022

Single Storey Extensions: Front Porch; Addition of Chimney; Roof Lights (14/00528) granted on 22 August 2014

Erection of a bungalow and garage with vehicular access (NFDC/89/43551) refused on 06 December 1989

### **Adjacent Site (Cranemoor)**

Single storey dwelling with attached car port (21/00212) refused on 18 May 2021. Subsequent appeal dismissed on 28 March 2022.

## **8. ASSESSMENT**

### **Application Site**

- 8.1 Lynton is a modest bungalow, with an extant consent to be replaced with a chalet-style property. It is centrally located on the south side of Partridge Road, which is characterised by predominantly detached dwellings of a variety of types and design. The dwellings have sizeable rear gardens which extend down to Highwood Road to the south and a few properties, including the application site, have created additional accesses onto that road, with small outbuildings adjacent to them.

### **Proposed Development**

- 8.2 The application is for the erection of a new, single-storey property in the rear garden of Lynton, utilising the existing access from Highwood Road, which is to be wheelchair accessible and self-build. The key considerations are:
- The implications for Policy SP19 – the site is located within the defined village of Brockenhurst where new dwellings are acceptable in principle.
  - Whether the size of the dwelling accords with Policy SP21.
  - The design of the proposal and whether it is appropriate to the site.

- The impact on the character and appearance of the surrounding area and whether the proposal is in accordance with Policy DP34 (Residential character of the Defined Villages).
- Any impact on residential amenity.
- Any impact on trees.

## Consideration

- 8.3 The site lies within the defined New Forest village of Brockenhurst where new residential development is acceptable in principle, as set out in Policy SP19 of the New Forest National Park Local Plan 2016-2036 (August 2019). Policy SP21 of the Local Plan specifies that new dwellings will have a maximum internal floor space of 100 square metres. In this case, the originally submitted plans were slightly in excess of the policy limitation but amended plans have been received which reduce the floor area to just within Policy. The integral storage area would also usually be included as part of the habitable floor area, but this could be conditioned to remain separate and inaccessible from the dwelling. The roof and one wall of the building also extend across an open fronted seating area to the front of the dwelling, which would be capable of being enclosed at a future date but again it would be possible to control this by condition.
- 8.4 Policies DP2, DP18 and SP17 of the Local Plan require new development to demonstrate high quality design which enhances local character and distinctiveness ensuring that development is appropriate and sympathetic in terms of scale, appearance, form and siting. Policy SP17 also seeks to ensure that built development would not individually or cumulatively erode the Park's local character or result in its gradual suburbanisation. The Authority's Design Guide SPD likewise emphasises the importance of new dwellings fitting comfortably into their surroundings and respecting the spacing of the buildings and natural features. The guidance contained within the National Planning Policy Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area (paragraph 130).
- 8.5 Local Plan Policy DP34 requires that the density of new development be informed by consideration of the local character of the defined New Forest villages. The policy and supporting text recognise that the defined villages (including Brockenhurst) are small in size and are an important part of the New Forest landscape. There is a distinct pattern of development in the Sway Road area, with larger houses set in spacious plots along Sway Road and a series of cul-de-sacs branching off to the road to the east, characterised by smaller properties, set closer together with long rear gardens. Highwood Road is an anomaly in this location, being developed only on one side with community facilities, but the fact that there is little built form to the north has ensured the retention of a semi-rural appearance which, as stated in the recent appeal decision on land to the rear of Cranemoor '*makes a positive contribution to the townscape of this part of the village*'. (Appeal ref. APP/B(506/W/21/3286472).

- 8.6 The proposal, which would sub-divide the garden of Lynton, would significantly alter this character and appearance, creating a small plot at odds with the spacious nature of the properties in the vicinity of the site and reducing the area available to the existing dwelling. The proposed dwelling would cover a large proportion of the plot leaving a small private amenity area to the rear (north), the maximum depth of which is 6.8m, and a larger area to the front where there would be access and parking. The cramped appearance of the development would be exacerbated by the significant width of the walls (0.6m) which have resulted in a greater footprint than would be the case should a more standard width of wall be used. It is recognised that the proposed build aspires to the most effective 'Passiv Haus' standards, which is laudable, but there is no evidence provided to demonstrate that these standards could not be achieved with narrower walls. Limited online research suggests that external walls are usually between 12" (0.3m) and 24" (0.6m), the latter being required for extremely cold climates.
- 8.8 In terms of the design of the dwelling, this is considered to be unexceptional, although the simple clean lines of the building would be somewhat marred by the positioning of the angled solar panels on the flat roof. However, these would have a limited visual impact overall, outweighed by the benefits of renewable energy and it is not considered that an objection could be sustained on this basis. Many of the supporting letters have referred to the necessity of providing smaller and more affordable family homes within the village. These representations of support are noted, although it is a requirement of the development for all new homes in the National Park to be within 100 sq. m in internal floor area and the proposal would not be an 'affordable dwelling' as defined in national or local policy. Given the two-bedroom design and minimal amenity area, it is queried as to whether it would, in fact, be suitable for a family with children. It is noted that the replacement that was proposed for the existing house at Lynton, provided, with the same floor area, a greater level of accommodation with an additional bedroom, more appropriate to a family.
- 8.9 Detailed landscape plans have been submitted to demonstrate that the proposal would serve to enhance the planting along the frontage rather than diminish it. At the time of writing, there are discrepancies between the landscape plan and proposed site layout plan which lead to a lack of clarity over the proposed parking and manoeuvring areas available to the property. It is noted that the site would be secured by a cattlegrid rather than a gated entrance, which would further reduce the privacy available to the occupants of the property.
- 8.10 It has also been suggested by the applicants that the proposals would set a positive precedent for the development of the other rear gardens along this side of Partridge Road. However, there is no evidence of any comprehensive scheme for such a development which could, potentially, if well-designed, result in a positive alteration to the character of the area. What is currently proposed is a single property that results in the

overdevelopment of the plot and could, if permitted, make it difficult to resist the further piecemeal development of other gardens in the vicinity and result, as recognised by the appeal Inspector, to potential cumulative harm to the character of the road and area. The applicant's agent has argued that 'potential harm' is not the same as actual harm and that, in this case, the level of landscaping to be provided would retain the character of the street and improve the overall level of greenery, which could also be replicated in other proposals. This, however, fails to take into account the other impacts from residential development, the creation of more accesses, parked cars and domestication of the area and also makes the assumption that the existing trees will be retained and would not be subject to future pressure to reduce/remove them, as discussed in subsequent paragraphs.

- 8.11 With regard to neighbour amenity, whilst the distance between the proposed dwelling and the existing properties, Lynton and Cranemoor, is less than 15m, the single storey design of the proposal is such that it would not have an adverse impact on amenity through loss of outlook or privacy. There is some potential for increased noise as a result of residential activity but, given the limited size of both the dwelling and the garden area, the level of activity generated is not likely to be unduly harmful. The amenity available to the occupants of the proposed dwelling must also be assessed and reference has been made to the limited availability of private garden. However, given the close proximity to trees, the impact of these natural features on the living conditions of the residents should also be considered.
- 8.12 There is a significant mature Oak in the southeastern corner of the site that is protected by a Tree Preservation Order (TPO), together with a smaller sapling that has been planted recently to replace a previously protected Oak that needed to be removed. It has been acknowledged by the Authority's Tree Officer that the dwelling could be constructed without direct or immediate harm to these trees, but concern has been raised about their close proximity leading to future pressure to lop or fell the trees. Such pressure arises for a number of reasons, including:
- The overbearing presence of large trees close to a dwelling and the anxiety this can create.
  - Shading to the dwelling and the limited useable garden space that is not overhung or in shade.
  - Nuisance from falling debris from the trees such as leaves, twigs, acorns, honeydew and bird droppings.
- 8.13 Generally, where there is conflict between the living conditions of occupiers and the retention of a protected tree, the living conditions will prevail and for this reason it is advisable, where possible, to avoid building in close proximity to trees, the loss of which would have a significant detrimental impact on the visual amenities of the area. An objection has therefore been received from the Authority's Tree Officer.
- 8.14 The applicants have provided additional information in the form of a shading report, to address at least one of the issues. This seeks to demonstrate



that, even allowing for the future growth of the small replacement tree, adequate direct sunlight can be achieved for the development. This, according to the recommendations set out by the Building Research Establishment in BRE 209 (Site Layout Planning for Daylight and Sunlight) should ensure that at least half of the garden/open area can receive at least two hours sunlight on March 21<sup>st</sup>. However, whilst this may be the case, given the very constrained size of the site, the areas with light are extremely limited, with most of the private amenity area to the rear being in shade from noon onwards. Furthermore, there is some query about the accuracy of the shading plans, where the tree shown at the 50 year period is significantly smaller than would be expected from a mature Oak tree (i.e. around 15m high with a crown to match others in the vicinity). It is likely therefore that the future shading of the site would be more extensive than shown.

- 8.15 The applicant has referred to the benefits of shading, given the potential for increased temperatures in future years. However, it should be noted that shading is only one of the potential issues that results from proximity to trees, as set out above, which taken in combination would materially affect the quality of the living conditions experienced by future occupants of the dwelling. Though the TPOs would provide grounds for the Authority to resist pressure to remove/reduce the trees, adverse effect on living conditions would be likely to weigh in favour of action. The future of the trees and the positive contribution that they make to the character and appearance of the area and, more broadly, of the National Park would therefore be placed at risk should the development proceed.
- 8.16 The application site lies within 400m of the New Forest Special Protection area (SPA) and 5.6km of the Solent SPA. Policy SP5 requires all development to comply with the Conservation of Habitats and Species Regulations 2017 (as amended). Mitigation is required for all proposals that would have recreational impacts on the New Forest and Solent coastal designated sites. The applicant has indicated a willingness to make a financial contribution of the agreed amount, which would require a Unilateral Undertaking to secure the mitigation.
- 8.17 Excessive nutrients in the Solent's European Sites are causing eutrophication, leading to an increase in algae growth. This has an adverse impact on the habitats and species within the European nature conservation designations sites in and around the Solent (including the Solent and Southampton Water SPA) to which the Habitat Regulations apply. Following recent case law, Natural England has advised that there is a likely significant effect on the Solent's European sites due to the increase in wastewater from new housing. They have also advised that any development proposed through any planning application providing overnight accommodation which would discharge into the Solent would also be likely to cause a significant effect. The applicant has submitted a nutrient budget calculation in accordance with Natural England latest methodology and indicated acceptance of a condition that would secure the necessary mitigation in the appropriate catchment area prior to occupation.

## Other considerations

- 8.18 The applicant is aware of the previous appeals which have been dismissed. Whilst the appeal relating to Lynton dates back to 1989 (prior to the creation of the National Park), the most recent appeal, which relates to the adjacent site to the rear of Cranemoor, was dismissed in 2022. However, it is sought to distinguish the current proposal through the provision of a) a wheelchair accessible dwelling and b) a self/custom build property, which it is claimed that there is an inadequate supply of within the National Park.
- 8.19 In terms of wheelchair accessibility, it is recognised that this could be a desirable feature, though all modern dwellings are required to have a greater level of accessibility than perhaps existed historically, even if not to the extent of providing full wheelchair access. However, the speculative provision of a wheelchair friendly dwelling, clearly not currently required by the applicants, does not outweigh the significant objections to the proposal. The applicants maintain that of the housing allocation sites none, other than perhaps to the care home at Ashurst Hospital, mention any requirement for Part M4(2) accessible or Part M4 (3) wheelchair accessible dwellings (para. 6.29 of the Planning Statement). It should, however, be noted that the 120 houses in the Fawley application, are all to be compliant with the Disability Discrimination Act (DDA), with the provision of gradual ramps in place of steps where it is necessary to raise thresholds and this has been incorporated into the Design Code.
- 8.20 It is acknowledged that the Self Build and Custom Housebuilding Act 2015 requires planning authorities to consent sufficient schemes to meet the identified demand and the applicant's agent has placed significant emphasis on the lack of provision of self/custom build (SCB) dwellings in the National Park. The applicant notes that the National Park Authority do not charge the Community Infrastructure Levy (CIL) and therefore the only method of ensuring that a permission is SCB, for the purposes of the legislation is to have the applicants complete a Section 106 legal agreement committing to self-build or to attach a planning condition for the same. However, the current self-build legislation does not prescribe how suitable permissions must be recorded by the Planning Authority. Extant Government guidance in the NPPG section on self and custom housebuilding confirms that it is for the local planning authority to determine whether an application, permission or development is for self or custom build using indicators such as:
- Whether developers have identified that self-build or custom build plots will be included as part of their development and it is clear that the initial owner of the homes will have primary input into its final design and layout;
  - Whether a planning application references self-build or custom build and it is clear that the initial owner of the homes will have primary input into its final design and layout; and

- Whether a Community Infrastructure Levy or Section 106 exemption has been granted for a particular development.
- 8.21 The applicant has disputed this, citing appeal decisions (unspecified) where it has been determined that unless local planning authority has evidence to secure SCB, they cannot be counted as such. The Authority, however, in the absence of CIL, considers that the approach taken, based on the type of application and the intended future occupiers is a reasonable and justifiable approach to determining SCB. Our approach is consistent with that adopted by other planning authorities and reasonable. Where, as pointed out by the applicant, there is little space to develop within the National Park, the majority of SCB are as the result of replacement dwellings, of which there are numerous on a yearly basis. As the homeowner would have had primary input into the design of the development, this would qualify as a self-build.
- 8.22 It is recognised that with the introduction of the Levelling Up & Regeneration Act (LURA), which received royal assent on 27 October 2023, the requirements for verifying and accounting for SCB may alter. Many of the changes set out in the Act will take effect after associated regulations and changes to national policy/guidance are in place, and a number of sections in the Act will require secondary legislation before they are implemented according to the amendment text Clause 115, page 148, line 30  
*“(aa)after subsection (5) insert—  
 “(5A) Regulations may make provision specifying descriptions of planning permissions or permissions in principle that are, or are not, to be treated as development permission for the carrying out of self-build and custom housebuilding for the purposes of this section.”*
- 8.23 In the absence of the wording of those regulations, there is no certainty as to what the future specific descriptions are to be. Current Government guidance on what contributes towards the delivery of self and custom build is set out in the NPPG section on ‘self and custom housebuilding’ and this remains the extant statement of Government policy. It is noted from recent correspondence received from the agent that, they do not agree with this interpretation, stating that, as the Act is legislation it should be given a greater weight than the NPPG guidance and that in the absence of a condition or legal agreement specifying SCB, any permission cannot be described as such. The applicant has confirmed that they would be willing to accept a planning condition, 106 Agreement or provide a Unilateral Undertaking to secure the development as SCB.
- 8.24 It is confirmed in the NPPG guidance on self and custom housebuilding that self and custom housebuilding registers are likely to be a material consideration in decisions involving proposals for such properties and thus carries some weight. However, set against this weight and the benefit to be derived from an additional dwelling and its wheelchair accessibility is the localised harm to the character and appearance of the area and a reduction of the contribution that the appeal site makes to the character of the National Park as a whole. This was emphasised in the recent appeal

decision on the adjacent site which, whilst all applications must be assessed on their own merits, is also a material consideration of some weight. The Inspector stated:

*'the appeal proposal would cause significant harm to the character and appearance of the area. It would therefore be contrary to Local Plan Policies SP17, DP2 and DP18 and the Design Guide SPD. These policies and guidance, amongst other things, seek to ensure that new development comprises the highest standards for new design, which enhances local character and distinctiveness, including appropriate form, siting and layout, and that it avoids a gradual suburbanising effect within the National Park...For similar reasons the proposal would not accord with policies of the Framework which require well-designed places and the conservation and enhancement of the natural environment, noting that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, as set out in Chapters 12 and 15 respectively.'* – paragraphs 17 & 18.

- 8.25 National Planning policy confirms that 'the planning balance' in National Parks differs to areas outside nationally protected landscapes (footnote 7, para. 11, NPPF 2023). The benefits gained through the delivery of a net new SCB dwelling are not considered to outweigh the detrimental impacts the provision of a new dwelling on this cramped site would have on the character and local distinctiveness of this part of the National Park.
- 8.26 Other queries have been put forward by the applicant/agent during the application process in response to the comments of the Authority's policy team relating to the provision of new homes within the National Park, in particular whether the Authority has permitted the number of properties, as set as set out in the Local Plan, on windfall sites in the Plan period to date. Monitoring illustrates that between start of the Local Plan period (1 April 2016) and the latest period for which data is available (31 March 2023) a total of 173 windfall dwellings have been completed within the National Park area. This equates to an average of just under 25 dwellings per annum, exceeding the windfall figures of 20 dwellings per annum set out in paras. 7.10, 7.41-7.44 of the Local Plan. Although the New Forest National Park is not covered by the Government's Housing Delivery Test, dwelling completions and housing land supply are monitored and publicly reported on through annual monitoring reports. The Authority can currently demonstrate over eight years of housing land supply and there are no housing delivery grounds to override the harm to local character that would arise from this proposal.

## **Conclusion**

- 8.27 For the reasons given above, it is considered that the development of the site, as proposed would conflict with development plan Policies DP2, SP17, DP18 and DP34 which deal with design, layout and the character and appearance of the surrounding area and the wider National Park. Given this conflict it has been considered whether there are material considerations

which indicate that the proposal should be determined other than in line with the development plan.

- 8.28 Weighing in favour of the proposal are the sustainable location of the site within the defined village, together with the energy efficient design and provision of an additional self and custom build, wheelchair accessible dwelling. All of these features are supported by the Authority where they can be appropriately accommodated without harm to interests of acknowledged importance.
- 8.29 Weighing against the proposal is the Authority's assessment that a dwelling on this cramped and constrained site would not be in keeping with the existing pattern of development and spacious nature of the locality. The resultant development, together with the strong likelihood of future pressure to fell or lop protected trees close to the site would therefore erode the existing character of this part of the National Park. The villages of the New Forest are an integral part of the National Park and adopted local planning policies highlight that it is essential that the general pressure for development within the National Park does not lead to inappropriate development with the defined villages or result in the suburbanising effect that the Local Plan seeks to avoid.
- 8.30 The importance of retaining this character and the landscape and scenic beauty of the National Park, was recognised by the Inspector in the determination of the recent appeal who stated that '*whilst the Framework encourages the effective use of land in meeting the need for homes.... these matters are not unqualified and would not address or outweigh the aforementioned harm that I have identified to the character and appearance of the area*'. Notwithstanding the environmental and inclusive credentials of the currently proposed development, is not considered that these benefits are sufficient to outweigh the demonstrable harm that would result. The proposal would therefore be contrary to Policies DP2, SP6, SP17, DP18 and DP34 of the New Forest National Park Local Plan 2016-2036 (August 2019).

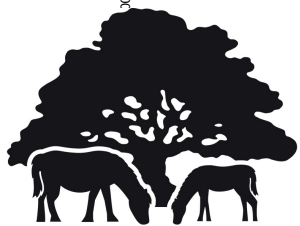
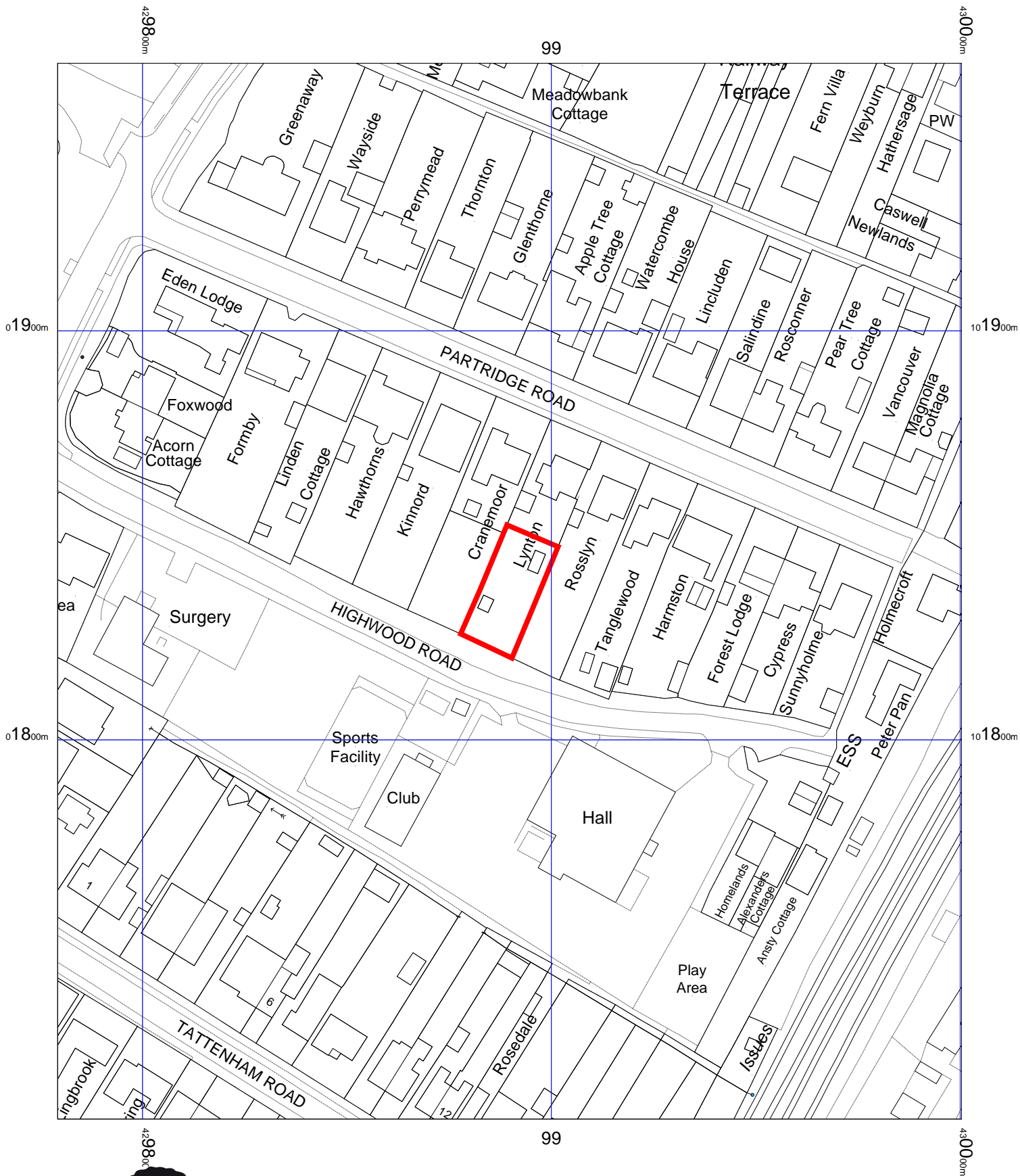
## **9. RECOMMENDATION**

Refuse

### **Reason(s) for refusal:**

1. The proposal, by reason of its location, layout, density and scale would result in a form of development that would be out of keeping with and adversely harm the semi-rural character of Highwood Road which remains free of significant residential development. The development would therefore be contrary to Policies SP17, DP2 and DP18 of the adopted New Forest National Local Plan 2016-2036 (August 2019).

2. The proposed development would be located in close proximity to trees which are covered by a Tree Preservation Order and have a high public amenity value. The issues arising from such proximity, including excessive shading and nuisance from falling tree debris, could conflict with the residential amenities of the occupants of the dwelling and be likely to lead to future pressure to lop or fell the trees, with consequent harm to the character and appearance of the locality. The proposed development would therefore be contrary to Policies SP6 and DP2 of the New Forest National Park Local Plan 2016-2036 (August 2019).



NEW FOREST  
NATIONAL PARK

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

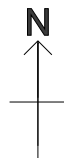
Tel: 01590 646600 Fax: 01590 646666

Date: 27/10/2023

**Ref: 23/01040FULL**

**Scale: 1:1250**

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**Application No:** 23/01083FULL Full Application

**Site:** Aston Villa, Butts Lane, Brockenhurst SO42 7TE

**Proposal:** One, two & three storey extensions

**Applicant:** Mr & Mrs Hargrave

**Case Officer:** Julie Blake

**Parish:** Brockenhurst Parish Council

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**1. REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council view

**2. POLICIES**

**Development Plan Designations**

Defined New Forest Village Brockenhurst

**Principal Development Plan Policies**

DP2 General development principles

DP18 Design principles

DP34 Residential character of the Defined Villages

DP36 Extensions to dwellings

SP15 Tranquillity

SP16 The historic and built environment

SP17 Local distinctiveness

**NPPF**

Sec 2 - Achieving sustainable development

Sec 15 - Conserving and enhancing the natural environment

Sec 16 - Conserving and enhancing the historic environment

**Supplementary Planning Documents**

Design Guide SPD

**3. MEMBER COMMENTS**

None received

**4. PARISH COUNCIL COMMENTS**

Brockenhurst PC: Option 4. Recommend refusal for the reasons listed below:



The side extension is detrimental to the visual aspect of properties in the conservation area.

Revised comments received after amended plans:

No issue with the rear extensions; however, original comment remains:  
Option 4. Recommend refusal for the reasons listed below:

The side extension is detrimental to the visual aspect of properties in the conservation area.

## **5. CONSULTEES**

Building Design and Conservation Officer: Support subject to conditions

## **6. REPRESENTATIONS**

One response of comment:

- Concerns about the initial description incorrectly describing the proposal; and
- Heritage document describing the extension as 'modest' considered to be inaccurate given that the proposal extends all three floors of the dwelling and extends to its side.

## **7. RELEVANT HISTORY**

Replacement single storey rear extension; rooflight (15/00863) granted on 20 January 2016

## **8. ASSESSMENT**

### **Application Site**

8.1 Aston Villa is a three storey, detached Victorian dwelling which has undergone previous extension and alterations. The surrounding area is rural in character but also contains residential development of varying ages, sizes, materials and architectural styles. The property is sited within the Brockenhurst Conservation Area and the defined village. The site also lies within Environment Agency Flood Zones 2 and 3.

### **Proposed Development**

8.2 The application seeks planning permission for a one, two and three storey rear extension. A single storey to the southeast side would allow the existing kitchen and coat room to be extended and include three rooflights. The extensions to the first and second floors would create an en-suite and enlarge the existing bedrooms. The application description was amended and readvertised before the initial site visit.

## Consideration

- 8.3 The key issues under consideration are whether the proposal would comply with Policies DP34 and DP36, the impact of the design on the dwelling and its curtilage, the potential impact on the character and appearance of the surrounding area and any impacts on neighbouring amenity.
- 8.4 As set out in the adopted Local Plan, Policy DP34 seeks to ensure the conservation and enhancement of the built heritage of the defined villages; development proposals within the villages must be informed by consideration of the character of the local area. There are no alterations proposed to the front of the property therefore the dwelling will retain all the important architectural features that gives it its distinctive characteristic appearance. Although the roof of the single storey side extension would be visible by approximately 1.6m above the existing fence at its highest point, there is an existing garden shed already in-situ. Its roof is already visible from the street scene. The proposed flue would be installed in the same location as the current black drainpipes, and both are set back on the respective side walls. The addition of a condition to ensure they are coloured black to reduce their visual appearance would be reasonable. It is considered that the single storey extension would be predominantly obscured by the existing front and side fences and that the partial visibility of its roof, along with both flues would not be overly obtrusive and that visual harm would be negligible in these circumstances. The proposal is considered to comply with Policy DP34.
- 8.5 Policy DP36, requires extensions to be appropriate to the dwelling and its curtilage. The property is not small dwelling and is within the defined village of Brockenhurst therefore is not subject to the 30% floorspace limitations set out in Policy DP36. Aston Villa has already been subject to previous alterations including a single storey rear extension. The rear extensions now proposed at all floors would extend into the garden by 2m to the same extent as the existing single storey flat roof extension. The single storey side extension would also extend by 2m. Cumulatively the proposal would result in approximately 45.7sqm of additional internal floorspace over all floors.
- 8.6 The design of the modest rear extensions is proportionate in scale and is in keeping with the existing dwelling. The proposed appearance would not be dissimilar to that of the existing rear elevation as the extensions are set back within the site. The ridge height has been kept the same and the width of the rear would only be increased at the ground floor to accommodate the single storey extension. Whilst a pitched roof may be preferable, in this instance the single storey rear extension currently has a flat roof, therefore it would not be appropriate to request a change to the proposed roof form. The side extension would be of a modest size and subservient

to the dwelling. It would extend the current kitchen area and provide a small cloakroom. The materials to be used would match the red brick, natural slate roof and white uPVC of the existing dwelling and would be in keeping with the character of the surrounding conservation area. Overall, the design of the extensions would be sympathetic to the dwelling and its curtilage and would not result in overdevelopment. As the extensions would be constructed to the rear and side of the dwelling there would be minimal visual impact on the surrounding area. It is for this reason that the development would not have a detrimental impact on the conservation area or its wider surroundings. The proposal is considered to comply with Policies DP18, DP36, SP16 and SP17.

8.7 Concerns regarding the initial description of work being incorrectly described had been addressed by the time of the initial site visit and corrected notifications had been issued. No concerns were raised by the neighbouring properties regarding overlooking or loss of light, however, an additional plan was requested to assess the 45 Degree Rule, and the likelihood of the development causing overshadowing. Drawn from the centre of the nearest window of the adjoining property most likely to be affected, it has been established that the extension does not go beyond the line of the 45-degree angle. Therefore the rear extension would not result in over bearing or loss of daylight to the adjoining neighbours.

8.8 The Authority's Conservation Officer noted that the proposals sound on paper quite extensive. However, notes that these additions are modest extensions for the property, which are for the most part located to the rear of the house. Moreover, that the additions would be proportionate and sympathetic to the house and the street scene within the village conservation area. A condition to approve the proposed bricks and slates before commencement has been requested and is considered to be appropriate.

## **Conclusion**

8.9 The property is within the defined village therefore floorspace limitations do not apply. The extensions and alterations are in keeping with the character of the dwelling and are predominately to the rear of the property. Overall, the majority of the development would be obscured from the street scene and the proposals would be sympathetic to the dwelling, street scene and conservation area. The proposal is therefore in accordance with Policies DP2, SP17, DP18, DP34 and DP36 of the Local Plan.

## **9. RECOMMENDATION**

Grant Subject to Conditions

### **Condition(s)**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with 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 external facing materials to be used in the development shall match those used on the existing building, unless otherwise agreed in writing by the New Forest National Park Authority.

Reason: To ensure an acceptable appearance of the building in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

3. Development shall only be carried out in accordance with drawing nos: 10122 PL 01 Rev A, 10122 PL 02, 10122 PL 03A. No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority.

Reason: To ensure an acceptable appearance of the building in accordance with Policies SP16, SP17, DP18 and DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

4. Unless otherwise first agreed in writing by the New Forest National Park Authority, the flues shall be black in colour and no cap or cowl fitted to the flue that would impede the upward vertical flow of emissions.

Reason: to ensure the acceptable appearance of the development in accordance with Policies DP2, SP16, SP17 and DP18 of the New Forest National Park Authority Local Plan (adopted 2019)

5. No development shall take place above slab level until samples or exact details of the facing and roofing materials have been submitted to and approved in writing by the New Forest National Park Authority.

Development shall only be carried out in accordance with the details approved.

Reason: To ensure an acceptable appearance of the building in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).



**Application No:** 23/01177FULL Full Application

**Site:** 8, Pundle Green, Bartley, Southampton, SO40 2LG

**Proposal:** Outbuilding

**Applicant:** Mr M Pink

**Case Officer:** Lindsey Chamberlain

**Parish:** Copythorne Parish Council

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**1. REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council view

**2. POLICIES**

**Principal Development Plan Policies**

DP2 General development principles  
DP18 Design principles  
DP37 Outbuildings  
SP15 Tranquillity  
SP16 The Historic and built environment  
SP17 Local distinctiveness

**NPPF**

Sec 12 - Achieving well-designed places  
Sec 15 - Conserving and enhancing the natural environment

**Supplementary Planning Documents**

Design Guide SPD

**3. MEMBER COMMENTS**

None received.

**4. PARISH COUNCIL COMMENTS**

Copythorne Parish Council: Recommend refusal, for the reasons listed below:

- DP37 - The additional circa 20% of enclosed space (over that for which planning permission – 22/00072 – was granted) gives rise

to a building that is not proportionate and subservient to the dwelling.

- It is unclear as to whether the owner of the property is aware that the use of the proposed amended outbuilding has altered from that for which their approval was previously given in a letter dated December 14 2021 and attached to the previous planning application (20/00072). The letter sent by the applicant's agent to them on September 13 2023 still references a log store.

## **5. CONSULTEES**

No consultees.

## **6. REPRESENTATIONS**

None received.

## **7. RELEVANT HISTORY**

Outbuilding (22/00072) granted on 31 March 2022.

Single storey rear extension (Application for a Non Material Amendment to planning permission 20/00075) (20/00397) no objection raised on 19 June 2020.

Single storey rear extension (20/00075) granted on 23 April 2020.

## **8. ASSESSMENT**

### **Application Site**

- 8.1 The application site is a semi-detached, brick-built property, located adjacent, not within, the conservation area. Following an investigation by the Authority's Enforcement Team, the applicant was invited to submit a retrospective application (outbuilding partially constructed) for a detached outbuilding, denoted solely as a workshop. The applicant previously had consent granted for a detached outbuilding for use as a workshop and adjoining open log store under application reference: 22/00072.

### **Proposed Development**

- 8.2 The 2022 approved application was for a workshop with an internal floorspace of 23.64m<sup>2</sup>, and an open attached log store. This revised application encloses the entire space, over the existing concrete base, with the total internal floor space increased to 28.05m<sup>2</sup>.
- 8.3 It also includes alterations to the fenestration in that there is the removal of one of the windows on the western elevation, however, inclusion of a roof light, to the same aspect. The materials proposed are the same as that

previously approved: clay tiles and a brick plinth and untreated waney edge board cladding to the walls of the structure.

## **Consideration**

- 8.3 The key issues under consideration are compliance with Policies DP37, the visual impacts of the outbuilding and any other impacts on the neighbouring properties (Policies DP2, DP18 and SP16).
- 8.4 In terms of Policies DP37, it should be noted that any outbuilding should remain clearly subservient and proportionate to the main dwelling. The historic plans indicate that the original dwellinghouse had an internal floor area of 79m<sup>2</sup>, this has been extended to 93m<sup>2</sup> and the current application relates to an outbuilding with an internal floorspace of 28m<sup>2</sup>, approximately 35% of the total internal floorspace of the original main dwellinghouse. Whilst this outbuilding has increased by 20% from 2022 application, this increase is in the location of the previously consented log store and it is considered that this proposal is subservient to the main dwelling in terms of floor area and height. In addition, the outbuilding is and shall remain conditioned to be incidental to the main dwellinghouse.
- 8.5 The nature of the plot in which the property is located is rather acute at the south-eastern boundary tapering off to a point. The outbuilding is located within this area and as such makes use of an area of garden that is somewhat unusual. The outbuilding is located adjacent to the neighbouring semi-detached boundary, however, there is sufficient room to access the side of the outbuilding and fence for maintenance. There is also some screening from vegetation. Given consent was previously granted in 2022 for an outbuilding in this location there are no grounds to there being any additional adverse impact to neighbouring amenity as a result of the increase in size. There are no windows or openings facing the neighbouring property and therefore it is considered that there is no detrimental impact to neighbouring amenity in terms of visual intrusion or shading as a result of the outbuilding.
- 8.6 With regards to the design of the outbuilding, consideration to the materials has been given and the use of natural materials is supported by the Authority and therefore, in terms of the design, this is aligned to Local Plan Policy DP18 and the Design Guide and would preserve the character and appearance of the adjoining conservation area.

## **Conclusion**

- 8.7 The application is for a change to the outbuilding approved in 2022. The additional size of the outbuilding is not contrary to policy and therefore is considered acceptable. The works set out in this application would have limited visual impact and the outbuilding is considered subservient and proportionate to that of the main dwelling. Therefore, this application is in accordance with Policies DP37, DP18, DP2, SP16 and SP17 of the adopted Local Plan.



## 9. RECOMMENDATION

Grant Subject to Conditions

### Condition(s)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with 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 building the subject of this permission shall only be used for purposes incidental to the dwelling on the site and shall not be used for habitable accommodation such as kitchens, living rooms and bedrooms.

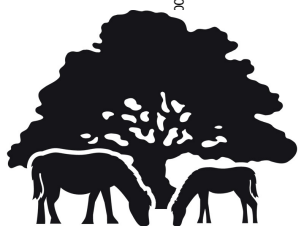
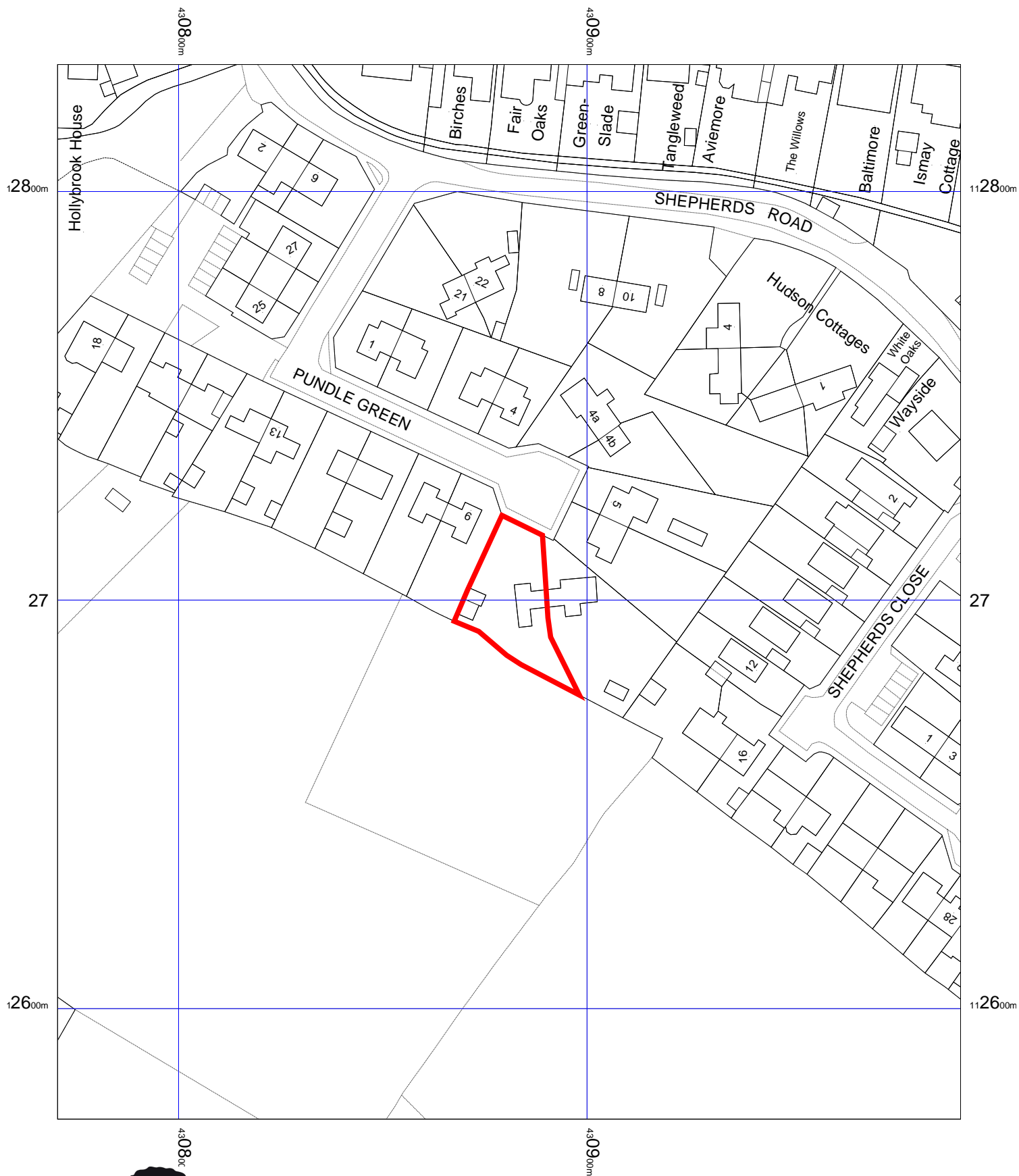
Reason: To protect the character and appearance of the countryside in accordance with Policies DP36 and DP37 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

3. Development shall only be carried out in accordance with:

- Location Plan, Drawing Number: DR1
- Existing and proposed layout and proposed floor plans and elevations, Drawing Number: FES/2460/01
- Existing and proposed site and block plans, Drawing Number: FES/2460/02

No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority.

Reason: To ensure an acceptable appearance of the building in accordance with Policies SP16, SP17, DP18 and DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).



NEW FOREST  
NATIONAL PARK

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

Tel: 01590 646600 Fax: 01590 646666

Date: 07/11/2023

**Ref: 23/01177FULL**

**Scale: 1:1250**

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