

Case No: SDNP/21/03987/FUL
Proposal Description: Conversion of the existing structure, The Old Goat Shed to an independent 4 bedroom dwelling with small western extension for utility and access door, with associated fencing and hedging
Address: Lithywood Acres, Green Lane, Hambledon, Waterlooville, Hampshire, PO7 4SX
Parish, or Ward if within Winchester City: Central Meon Valley Ward
Applicants Name: Mr & Mrs Matthew Darby
Case Officer: Miss Lisa Booth
Date Valid: 02 August 2021
Recommendation: Recommended for refusal



General Comments

This application is reported to the Planning Committee at the request of Hambledon Parish Council (appended to this report).

1 Site Description

Lithywood Acres is a large detached dwelling set within a 6 acre plot, with land rising steeply to a wooded area to the west. A Public Right of Way lies to the south-west of the woods.

There are two existing access points which serve the dwelling, with the northern one currently being used to access the main dwelling.

There are two outbuildings to the south of the main dwelling and a large parking and turning area.

2 Proposal

The proposal is for the conversion of a large outbuilding for the use as a four bedroom residential dwelling. A small extension is proposed on the western elevation to create an entrance porch and utility and a pergola added on the southern elevation.

The existing southern access will be utilised, with a curtilage created around the building using fencing and planting. Parking will be to the west and the other existing outbuilding will be utilised for storage for the resultant dwelling.

3 Relevant Planning History

SDNP/17/04547/LDE - Use of building as commercial offices (Use Class B1) STATUS: REF 28th March 2018.

00/00552/LDC - Residential use without compliance with the agricultural occupancy condition imposed on the grant of planning permission. PER 14th September 2000.

00/02665/LDC - Use of land as domestic curtilage and use of buildings incidental to the enjoyment of the dwelling house - CERTIFICATE OF LAWFULNESS. PER 8th March 2001.

02/00448/LDC - Change of use from residential to office (CERTIFICATE OF LAWFULNESS). REF 2nd December 2002.

79/01490/OLD - Erection of agricultural buildings. REF 24th December 1979.

80/00794/OLD - Construction of vehicular access. PER 22nd May 1980.

80/00795/OLD - Use of land as site for mobile home for agricultural purposes. REF 27th June 1980. Appeal Dismissed.

83/00594/OLD - Erection of agricultural workers dwelling. REF 21st October 1983. Appeal Dismissed.

85/00585/OLD - Use of land as site for caravan and construction of vehicular access. WDN 20th March 1985.

85/00586/OLD - Use of land as site for caravan for agricultural workers. REF 22nd July 1985. Appeal Allowed.

86/00630/OLD - Agricultural workers dwelling. REF 17th January 1986. Appeal Allowed.

87/00635/OLD - House and garage (Details in compliance with W/4949/6). REF 8th June 1987. Appeal Dismissed.

88/00668/OLD - Erection of dwelling. PER 24th June 1988.

99/01246/FUL - Removal of condition 2 of Planning Permission W4949/08 (Agricultural occupancy). REF 9th August 1999. Appeal Withdrawn.

4 Consultations

Parish Council Consultee – Hambledon

The PC supports the conversion of an ugly redundant agricultural building into a family residence. This site has a long history of failed planning applications and appeals.

It is precisely because we know it is against the SDNP policy on development outside the settlement boundary that we have asked for this to be called in for review by the Committee. We support that policy, but in this case we consider that, since the proposal is within the ribbon development that already exists along Green Lane and because the building already exists, an exception to that policy would be justified. There is already an extensive building on site, so suggest that the SDNP policy regarding building outside the settlement boundary does not apply.

We do not wish to set a precedent, however if planning is refused the present building will continue to deteriorate with a negative impact on the conservation area and the SDNP. If planning is approved there will be a family home with an impressive 'green' design which should add both to the village and SDNP. Grateful if these points are put before the committee.

WCC Service Lead: Community: Ecologist & Biodiversity Officer

Lithey's Hanger Site of Importance for Nature Conservation (SINC), ancient woodland is located adjacent to the site. Any external lighting must be agreed by the LPA to ensure this habitat is not illuminated.

New native hedgerow and trees are proposed which will enhance the site for biodiversity.

Preliminary Ecological Appraisal (Ecosupport, April 2021)

- Low bat roost potential within the building
- Two Schwegler 2F bat boxes (or similar) will be erected on mature trees as an enhancement for bats.

Phase 2 Bat Emergence Survey Report (Ecosupport, June 2021)

- One bat survey was undertaken in May 2021 with no emergences recorded. Therefore, the development is not expected to result in any impacts to roosting bats.

HCC Highways

Given nature and context of the site, it is not considered that this proposal would lead to any material detrimental impact upon the public highway in regard to traffic generation or highway safety.

5 Representations

2 letters of representation has been received supporting the application for the following reasons:

- Will greatly improve the appearance of the site.
- Will increase biodiversity.
- Conversion of the Old Goat Shed to a 4 bedroom dwelling will have a positive effect on the whole area.

6 Planning Policy Context

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **South Downs Local Plan 2014-2033** and any relevant minerals and waste plans.

The development plan policies and other material considerations considered relevant to this application are set out in section 7, below.

National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes.

7 Planning Policy

Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The

National Planning Policy Framework (NPPF), updated July 2021. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

National Planning Policy Framework (NPPF)

The following National Planning Policy Framework documents have been considered in the assessment of this application:

- NPPF02 - Achieving sustainable development
- NPPF05 - Delivering a sufficient supply of homes infrastructure
- NPPF11 - Making effective use of land
- NPPF12 - Achieving well-designed places
- NPPF15 - Conserving and enhancing the natural environment

Paragraph 2 states that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

The following policies of the **South Downs Local Plan** are relevant to this application:

- Core Policy SD1 - Sustainable Development
- Core Policy SD2 - Ecosystems Services
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Strategic Policy SD8 - Dark Night Skies
- Strategic Policy SD9 - Biodiversity and Geodiversity
- Development Management Policy SD11 - Trees, Woodland and Hedgerows
- Strategic Policy SD19 - Transport and Accessibility
- Development Management Policy SD22 - Parking Provision
- Strategic Policy SD25 - Development Strategy
- Strategic Policy SD26 - Supply of Homes
- Strategic Policy SD48 - Climate Change and Sustainable Use of Resources

Partnership Management Plan

The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans "contribute to setting the strategic context for development" and "are material considerations in making decisions on

individual planning applications." The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. The relevant policies include:

- General Policy 1

8 Planning Assessment

Principle of development

The proposal is for the conversion of a domestic outbuilding to a four bedroom dwelling, sited in a countryside location, outside of any settlement policy boundary as defined by the South Downs Local Plan.

The South Downs Local Plan contains Policy SD41 which relates to the conversion of redundant rural buildings - specifically ones used for agriculture or forestry. Although the building was once in agricultural use, a Lawful Development Certificate ref: 00/02665/LDC was allowed in 2001 for the use of land as domestic curtilage and use of buildings incidental to the enjoyment of the dwelling house. There is no reference in policy SD25 to the conversion of domestic outbuildings for residential purposes.

Policy SD25 of the South Downs Local Plan states that development will only be permitted outside of settlement boundaries in exceptional circumstances.

The criteria of this policy sets out that development should comply with one of the following:

- (a) allocated for development (or safeguarded for the use proposed as part of the Development Plan), or
- (b) there be an essential need for a countryside location, or
- (c) in the case of community infrastructure be a proven need for the development that demonstrably cannot be met elsewhere or
- (d) it is an appropriate reuse of a previously developed site excepting residential gardens, and conserves and enhances the special qualities of the National Park.

The site has not been (a) allocated for development. There is no essential need for the countryside location of the proposal (b). It is not community infrastructure, and therefore (c) is not relevant.

Although the outbuilding is within the residential curtilage (as defined under 00/02665/LDC) it could not be classified as criterion (d) as being an 'appropriate reuse of a previously developed site'.

The National Planning Policy Framework glossary defines 'previously developed land' as being:

'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface

*infrastructure. This **excludes**: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; **land in built-up areas such as residential gardens, parks, recreation grounds and allotments**; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.'*

The existing building could be argued to be within the residential garden and thus excluded from the definition and policy SD25. However, as there is an existing structure / development, it could also be argued to be previously developed land.

However, the proposal would result in a new dwelling in the countryside, which planning policies seek to protect. There is no justification for the need or siting of such a dwelling, nor is it exceptional in any way. The proposed use of the building as a dwelling would not be considered to be 'an appropriate use'.

In summary, the proposal is considered to be neither 'exceptional' nor an 'appropriate' reuse of a domestic outbuilding within a residential curtilage in the countryside. The proposal would be contrary to both the wording and spirit of policy SD25: "In order to conserve wider landscape character and minimise the footprint of development, it is important to focus development on previously developed land (PDL)...the Authority will expect developers to make best use of PDL within settlement boundaries, subject to other locational and physical constraints." (SD25 - Para 7.11).

Therefore, the principle of the dwelling is not considered to be acceptable or in accordance with policy SD25.

The applicant has relied on a number of paragraphs from the National Planning Policy Framework (NPPF) for the proposed conversion, in particular underutilised buildings and making effective use of land. It is considered that the advice contained within the NPPF is more applicable to the settlements and town centres.

The SDNPA has an up to date Local Plan (2014-33) and has allocated its housing need requirements within the settlements (Policy SD26). There is no requirement for the promotion of additional housing outside of the settlement boundaries. It is noted that Hambledon is not allocated for any housing provision within the settlement, therefore there is no identified need for housing within this area.

Policy SD4 requires that the design, layout and scale of proposals conserve and enhance existing landscape character.

Policy SD5: Design requires proposals to adopt a landscape led approach and respect the local character, through sensitive and high quality design that makes a positive contribution to the overall character and appearance of the area. Utilise architectural design which is appropriate and sympathetic to its

setting in terms of height, massing, density, roof form, materials, night and day visibility, elevational, and where relevant, vernacular detailing. Regard should be had to avoiding harmful impact upon, or from, any surrounding uses and amenities.

Design, scale and impact on the character of the area

The design of the converted outbuilding will not change significantly from existing, with a small porch/utility extension at the rear and pergola to the side. These are considered to be in keeping with the existing building.

Some of the walls are to be timber clad, with the roof remaining the same material- concrete tiles. Some of the windows and doors will be altered and more added. The building's appearance from the road will not alter significantly through the change in the timber cladding.

The curtilage of the resultant dwelling will be defined by close boarded fence and native planting/trees, with additional native hedge defining the access. Parking will be to the rear, utilising the existing metal outbuilding for storage and the main garden area will be to the front facing to Green Lane.

Lithywood Acres will utilise the existing access and parking area to the north of the outbuilding and will retain garden area around the property and also paddock land to the south. This effectively splits the overall plot of Lithywood Acres in two. It is noted that the existing residential curtilage, as defined in the Lawful Development Certificate ref: 00/02665/LDC, does not include this land, so it remains as agricultural land. It is not clear how it will be accessed once the plots are divided.

The existing building was present at the time the SDNP designation was confirmed, thus retaining it as it is would be conserving the existing landscape character. The proposal may improve the outward appearance of the outbuilding, which is utilitarian in nature, due to its previous agricultural use and currently as an incidental use to the main dwelling. However, by adding an additional residential plot within the centre of the overall site, defining the plot and introducing additional clutter associated with a new residential use, particularly to the front of the property where it will be most visible, the proposal would result in an intensification of the site, and an increased domesticity contrary to the rural character of the area.

There are a few clusters of dwellings on this side of Green Lane and open fields to the east, but it is very rural in nature.

Impact on residential amenity

It is not considered that there will be an impact on the residential amenities of Lithywood Acres, as there is sufficient distance between them.

The other nearest neighbours are 58m and 104m away and obscured by trees.

Impact on Ecology

Ecological and bat reports were submitted and considered to be acceptable by WCC Ecology Officer.

Lighting

Any external lighting would be on PIR's, low wattage LED with shielding to reduce light spillage. The Ecology Officer has recommended that details should be submitted, should permission be granted.

Trees

There are no trees impacted by the proposal.

Highways

There are two accesses to the site, one is currently not used, but is proposed to be used to access the converted dwelling. HCC Highways has not objected to the use of the access and given the nature and context of the site, it is not considered that this proposal would lead to any material detrimental impact upon the public highway in regard to traffic generation or highway safety.

Sustainable Construction

Policy SD48 of the South Downs Local Plan requires new residential development (including conversion) to demonstrate how it addresses climate change mitigation through the on-site use of zero and/or low carbon technologies, sustainable design and construction, and low carbon materials. Developments must also demonstrate a 19% reduction in carbon dioxide through the energy efficiency of the building and a total mains consumption of water of no more than 110 litres per person per day. If the application was being recommended for approval, a condition could be applied to ensure that these standards are met.

Nitrates

All applications for new dwellings and overnight accommodation are required to demonstrate that they are nitrate neutral, in order to meet the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended). The proposed dwelling would generate additional nitrates that will need to be mitigated. The applicant has confirmed that they would accept the imposition of a Grampian condition to ensure that a mitigation strategy is submitted for prior approval before the development is occupied. If the application was being recommended for approval, a Grampian condition could be applied.

9 Conclusion

The proposal is considered to be unacceptable in principle as it would result in a new dwelling in the countryside, without a genuine or proven need for a countryside location, contrary to policy SD25.

10 Reason for Recommendation and Conditions

It is recommended that the application be Refused for the reasons set out below.

1. The application site is located outside the identified settlement policy boundaries and within a location where the countryside policies of the development plan apply. The proposal would result in a new market dwelling in the countryside for which a genuine and proven need for a countryside location has not been demonstrated. Consequently the proposal is contrary to Policy SD25 of the South Downs Local Plan (2014-33).

11. Crime and Disorder Implications

11.1 It is considered that the proposal does not raise any crime and disorder implications.

12. Human Rights Implications

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13. Equality Act 2010

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

Plans Referred to in Consideration of this Application

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date Received	Status
Plans - EXISTING DETAILS (PLANS - ELEVATIONS)	20-1407-PL 01		30.07.2021	Approved
Plans - PROPOSED DETAILS (PLANS - ELEVATIONS)	20-1407-PL 02		30.07.2021	Approved

Reasons: For the avoidance of doubt and in the interests of proper planning.

Appendix 1

Hambledon Parish Council request for Committee referral

“The PC asked for this to be called in due to the extensive planning history of this property. The PC supports the conversion of an ugly redundant agricultural building into a family residence. This site has a long history of failed planning applications and appeals.

It is precisely because we know it is against the SDNP policy on development outside the settlement boundary that we have asked for this to be called in for review by the Committee. We support that policy, but in this case we consider that, since the proposal is within the ribbon development that already exists along Green Lane and because the building already exists, an exception to that policy would be justified. There is already an extensive building on site, so suggest that the SDNP policy regarding building outside the settlement boundary does not apply.

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