

**Delegated Decision
Sign Off Sheet**

Case No:	SDNP/19/00744/FUL	Case Officer:	Charlotte Fleming
Application Type:	Full Application		
Proposal:	Proposed demolition of bungalow and attached stables and construction of a new single storey replacement dwelling with ancillary landscaping improvements.		
Site:	Hilltop Stables Mayhill Lane Swanmore Hampshire		
Valid Date:	14 February 2019	Overall Publicity Expiry Date:	20 March 2019
Recommendation:	Approved	Recommendation Date:	20 June 2019
Expiry Date:	11 April 2019 EOT until 26/06/19	Recommending Officer Signature:	Charlotte Fleming

Date Legal Agreement Completed (if applicable)	No. of Representations
	2

Signed & Agreed By	Date
Julie Pinnock	25 June 2019
Line Manager Comments	

Case Officer Details	Name:	Charlotte Fleming	
	Tel No:	01962 848 233	
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Application No:	SDNP/19/00744/FUL		
Validation Date	14 February 2019	Determination Target Date:	28 March 2019
Applicant:	Mr M Mercer		
Proposal:	Proposed demolition of bungalow and attached stables and construction of a new single storey replacement dwelling with ancillary landscaping improvements.		
Site Address	Mobile Home at Atlantis Farm Mayhill Lane Swanmore Hampshire		

Recommendation: That the application is Approved.

IMPORTANT NOTE: This application is liable for Community Infrastructure Levy.

I Site Description

Hilltop Stables (formerly Lisheen), Mayhill Lane, is approximately 53sq m single storey 1 bed bungalow and stable /store located between Swanmore and Droxford, on the south side of Mayhill Lane outside to the settlement boundary, and within the South Downs National Park.

According to the planning history, in 2003 a caravan was placed on the site and occupied in connection with the horses on site. In 2008 a retrospective application for equestrian use and the retention of the caravan for residential purposes was refused and in 2009 an appeal against an enforcement notice to remove the caravan was dismissed. Sometime following this, in 2010 according to the evidence submitted in support of the lawful development certificate, one element of the building was converted to habitable accommodation. The internal floor area of the habitable accommodation is approximately 50sq.m. It is described as a 1xbed room bungalow.

The dwelling is a single storey, rendered with with a shallow tiled pitched roof. The stables and store (Approximately 64 sq m) which is defined by post and rail fencing, are brick, render and wood with a shallow tiled pitched roof.

The dwelling is set back from the main road by approximately 25 metres and has an access off Mayhill Lane, and forms part of a rural tree lined road with a sporadic mixture of farmland and residential, commercial and public house. A public footpath runs along the front of the site and the stables building has been built across it.

The Landscape Character area is South Winchester Downland Mosaic and is characterised as a large area of tranquil, undulating chalk downs. It is a remote and rural landscape comprising arable farmland and some mixed farming. The area contains significant areas of woodland and indeed Mayhill Copse a SINC lies opposite the site. The area contains numerous scattered farms, hamlets and villages generally retaining a remote, rural historic character.

2 Proposal

Proposed demolition of bungalow and attached stables and construction of a new single storey replacement dwelling with ancillary landscaping improvements.

3 Relevant Planning History

88/02059/OLD - Agricultural dwelling.
REF 16th September 1988.

90/01226/OLD - Detached dwelling.
REF 23rd October 1990. - Dismissed at appeal

90/01227/OLD - Free range egg producing unit.
REF 23rd November 1990.

93/00979/OLD - (AMENDED DESCRIPTION) Use of agricultural holding for tropical bird breeding farm with covered aviaries and warden accommodation.
REF 19th May 1993.

00/01828/FUL - Siting of mobile a home.
REF 23rd October 2000.

08/01028/FUL - Temporary siting of a mobile home for an equestrian worker for a period of three years.(RETROSPECTIVE) (RESUBMISSION) (THIS APPLICATION MAY AFFECT THE SETTING OF A PUBLIC RIGHT OF WAY) .
REF 11th July 2008.

08/00104/REF - against an enforcement notice stating the material change of use of the land from agriculture and private equestrian use to the mixed use of the land for agriculture, private equestrian use and the siting of a mobile home for residential occupation.
DISMIS 31st July 2009.

09/01788/PRE - Conversion of existing building to holiday let accommodation.
OPN 21st June 2010.

SDNP/14/01729/LDE - CLEUD for retention of single storey dwelling (Lisheen) at Mayhill Lane, Swanmore SO32 2QW (CERTIFICATE OF LAWFULNESS)
STATUS: APP 2nd April 2014.

SDNP/17/01634/PRE - Demolition of bungalow and attached stables and construction of a two storey replacement dwelling and double garage.
STATUS: PRE 1st June 2017.

SDNP/17/05270/OUT - Proposed demolition of bungalow and attached stables and construction of a new two storey replacement dwelling and ancillary landscaping improvements
Refused 29 March 2018
Appeal dismissed 15 November 2018

4 Consultations

HCC - Rights of Way

Droxford Footpath 10 crosses the development site and is intersected by the vehicular access to the property, the public right of way also appears to be obstructed by the current dwelling, please see the plans (consultee comments) for information.

Comment:

The position of Droxford Footpath 10 within the submitted plans (Landscape Sketch Proposal 416.03904.00009.29.002.114 Revision 3 September 2017) is different from the Definitive line (that is, the legally recorded route) of the path, which is obstructed by the current and proposed dwelling. A copy of the Definitive Map of Rights of Way can be found at www.hants.gov.uk/row/locating-row/definitive-map.htm. We advise that the applicant should make a section 257 application to the Local Planning Authority to divert the right of way along the eastern boundary of the property, or alternatively move the proposed dwelling similar to the amended SDNP/17/05270/OUT proposal.

The proposals include surfacing works to the public right of way. Any works to the surface of the right of way would need separate consent from Hampshire County Council, any work carried out which affects its surface, without prior permission, would constitute an offence under s131 Highways Act 1980.

The proposed stiles are not recorded on the definitive statement for the path and the application should therefore be amended to provide a gap rather than a stile. The Applicant could consider installing gates, however these would need to be licenced.

For the above reasons we must therefore OBJECT to the application. We request that the application is amended to correctly show the public right of way and indicate how the footpath will be dealt with, within the proposals.

24/06 - Verbal conversation with Rights of Way officer, happy for the application to be approved if details are submitted on the relocation of the footpath.

WCC - Drainage Engineer

The site is within Flood Zone 1 and is at very low risk of surface water flooding. The geology is chalk overlain by clay with flints.

There is no foul sewer, a package treatment plant and drainage field must be investigated. Percolation tests are required.

Soakaways and permeable hardstandings should be investigated for surface water drainage, ideally for a 1 in 100 year storm event plus an allowance for climate change. Infiltration testing is required.

D040 Detailed proposals for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved details shall be fully implemented before development commences.

D040R Reason: To ensure satisfactory provision of foul and surface water drainage.

WCC - Ecologist & Biodiversity Officer

An Ecological Constraints Survey (SLR, October 2017) and Ecological Technical Addendum (SLR, January 2019) is included in support of this application. Given that the site visit and bat inspection was undertaken over a year ago, an updated site visit is required.

Mayhill Lane, Swanmore SINC is located adjacent to the western boundary of the site and Mayhill Copse SINC is situated approximately 50m from the site, on the other side of Mayhill Lane. These sites are considered important because they comprise ancient, semi-natural woodland which is a priority habitat. Given the close proximity of these SINC's external lighting should be avoided where possible. A construction method statement should also be provided to ensure that these sites are not impacted by construction activities.

The habitats on site are of limited suitability for reptiles and as such reptile surveys are not considered necessary, however a slow worm was noted on site by the tenant. Therefore it is necessary that any woodpiles/pallets or debris are removed under supervision of an ecologist when reptiles are considered to be active (March to October), prior to development commencing.

In order to achieve a net gain in biodiversity, replacement habitat for reptiles (such as log piles) and other biodiversity enhancements should be included within the proposed development.

WCC - Winchester Highways

Comments not received.

WCC - Landscape Open Spaces

No objection subject to a landscape condition requiring details of proposed planting which should aim to soften the development, enhance the character of the area and provide separation between the property and adjacent PROW.

The Inspector's concerns with an earlier application (SDNP/17/05270/OUT), regarding effects on character and appearance, centred on the fact that the proposed dwelling would be substantially bigger and taller than the existing buildings and that it would urbanise a seemingly agricultural appearance, when viewed from the PROW which bisects the site. The response of the applicant has been to reduce the size of the proposed dwelling to a single storey but broken down into three elements. This configuration reduces the mass of the building and is considered would reduce visual harm when compared to the previous proposal.

Parish Council Consultee

Droxford Parish Council

DC/TU/PMV DXQTUJO814 - Parish Consultee Response

Ref: SDNP/19/00744/FUL.

Proposal: Proposed demolition of bungalow and attached stables and construction of a new single storey replacement dwelling with ancillary landscaping improvements.

Location: Mobile Home at Atlantis Farm, Mayhill Lane, Swanmore, Hampshire.

Droxford Parish Council's stance to the application is NEUTRAL in this case, but request the following is taken into consideration

I. Materials

The proposal is in a sensitive rural setting. Materials used in local vernacular architecture are timber cladding, brick and flint. Stone cladding specified in this application appears to be Cotswold stone which is inappropriate with the character of the local area.

2. ROW

The plan does not indicate route of the existing footpath. The Council consider the ROW should be re-established along the line of Footpath 10.

Additional comments received: We are concerned that the current dwelling is only 53m² and the stables and tack room appear to be later additions. Policy DM3 - Small Dwellings in the Countryside would apply to the property as it is below 120m². We would assume that development would be limited to a 25% increase, whereas the application at least doubles the size of the habitable accommodation.

5 Representations

No neighbour representations have been received .

One neutral comment has been received from the local rambling group, summarised as follows:

Waltham Ramblers - the Public Right of Way is mentioned in the narrative but does not appear on the Drawings/Plans Droxford footpath 10. This may be an opportunity to address the problems that exist on this Public Right of Way The Right of Way is not on the line of the definitive map.

The four stiles that are situated on this site have been in a poor condition for many years. Could there be an assurance that the path will follow the line of the Definitive Map and that the stiles would be replaced with kissing gates

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 **Winchester District Local Plan Review (2006) and the following additional plan(s):**

- Winchester District Local Plan Part I Joint Core Strategy (2013)
- South Downs National Park Local Plan - Submission 2018

The relevant policies 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) which was issued on 24 July 2018. 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:

- NPPF12 - Achieving well-designed places
- NPPF - 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 **Winchester District Local Plan Review (2006)** are relevant to this application:

- DP3 - General Design Criteria
- DP4 - Landscape and the Built Environment
- CE23 - Extension and Replacement Dwellings
- T2 - Development Access
- T4 - Parking Standards

The following policies of the **Winchester District Local Plan Part I Joint Core Strategy (2013)** are relevant to this application:

- CPI1 - Sustainable Low and Zero Carbon Built Development
- CPI3 - High Quality Design
- CPI6 - Biodiversity
- CPI9 - South Downs National Park
- CP20 - Heritage and Landscape Character

The following policies of the **South Downs National Park Local Plan - Submission 2018** are relevant to this application:

- Core Policy SD1 - Sustainable Development
- Core Policy SD2 - Ecosystems Services
- Strategic Policy SD5 - Design
- Strategic Policy SD6 - Safeguarding Views

- Strategic Policy SD7 - Relative Tranquillity
- Strategic Policy SD8 - Dark Night Skies
- Strategic Policy SD9 - Biodiversity and Geodiversity
- Development Management Policy SD11 - Trees, Woodland and Hedgerows
- Strategic Policy SD27 - Mix of Homes
- Development Management Policy SD30 - Replacement Dwellings
- Strategic Policy SD20 - Walking, Cycling and Equestrian Routes

Partnership Management Plan

The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

The following Policies and Outcomes are of particular relevance to this case:

- General Policy 1
- General Policy 3
- General Policy 50

The Draft South Downs National Park Local Plan

The Pre-Submission version of the **South Downs Local Plan (SDLP)** was submitted to the Secretary of State for independent examination in April 2018. The Submission version of the Local Plan consists of the Pre-Submission Plan and the Schedule of Proposed Changes. It is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication. The Local Plan process is in its final stage before adoption with consultation on relatively minor Main Modifications from 1st February 2019 to 28th March 2019. Based on the very advanced stage of the examination the draft policies of the South Downs Local Plan can be afforded significant weight.

8 Planning Assessment

Principle of development

The previous agricultural site most recently used for grazing horse was certified as a lawful dwelling in 2014. The 2017 application to extend the dwelling was refused and dismissed at appeal on two grounds the character and appearance of the area having particular regard to whether it would conserve and enhance the landscape and scenic beauty of the South Downs National Park (SDNP) and (ii) the supply of small dwellings in the countryside.

The site of the proposed development is located in an area which is designated as countryside where the proposal is subject to policy CE23. The existing property however

has a floor area less than 120 square metres so the size restrictions which relate to this policy apply. Policy CE.23 (ii) of the WDLPR supports the replacement of dwellings within the countryside provided that it would not reduce the stock of small (1 or 2 bedroom) or more affordable dwellings in the countryside. Replacement of dwellings of less than 120 sq.m. will normally be restricted to an increase of 25% of the existing. It is further clarified that a particular concern is to retain smaller, more affordable dwellings of 1 or 2 bedrooms

Notwithstanding the above, policy CE23 permits extensions to dwellings within the countryside provided that they do not significantly change the character of the existing dwelling or result in increased visual intrusion by increased size and or unsympathetic design.

I also draw your attention to policy SD30 of the submitted South Downs Local Plan (SDLP) for replacements to existing dwellings. The Local Plan is at an advanced stage, there are both representations of support and objection to draft Policy SD30. Having read these (and looking at appeal cases) the Inspectors consider that the policy is likely to be adopted. If the Inspector considered that there is a material change in the policy or the policy is deleted, any new application for the replacement dwelling would be determined afresh in the light of the changed circumstances. It was therefore considered that the policies should be afforded very nearly full weight in the determination of planning applications. However, as adoption has not yet taken place, the policies in the Local Plan review 2006 (such as policy CE23) still need to be addressed.

Policy SD30 states that floor space of replacement dwellings (not including outbuildings) should not increase by more than 30%, the proposed increase by nearly 100% and therefore not compliant with this policy.

However having had in depth discussions with the planning policy team at the Park, we note that the replacement dwelling will still be under 120m² and classified as a small dwelling, additionally it will be using the same footprint size and only slightly higher ridge height as the existing dwelling and stable block, therefore there will be no significant visual intrusion. It has also been confirmed that the stables which are being replaced do not need to be located elsewhere on the site, therefore the site will appear to have no additional built form.

Policies SD5 and DP3 sets out that new development is acceptable provided that it is appropriate in scale design and does not have an adverse impact on the character of the area or on surrounding uses and properties. It is considered that the proposal meets the criteria of these policies as the extension is in keeping with the existing character of the property and has no adverse impact on the character of the area.

Design, scale and impact on the character of the area

The alterations to the dwelling although significant in scale, are largely traditional design and materials proposed, with three different external appearances (Section 4.1 Design and Access Statement) to complement the existing 3 building structure and rural location. The development is not considered to result in a detrimental impact to the character of the existing dwelling and reusing of the footprint and scale of the buildings, on balance, considered to appear sufficiently subservient to the rural location and to remain appropriate in scale for the size of the site.

The existing dwelling is a very simple linear structure - formerly an agricultural building - with a blockwork and timber stables along one side which returns and connects with an agricultural building which mirrors the form of the building converted to a dwelling. The footprint of the dwelling is 5m x 10, including the stable and store the footprint is approximately 117m sq, with a height given as 3.95m (2.0m to the ridge). The proposed replacement dwelling is a 1 storey building given as 4.8m tall (2.7m to the ridge) and a

footprint of approx. 110m sq. Although approximately 0.9m taller the floor area is floor area reducing by approximately 0.7m sq.

The dwelling is set back from the road and screened by vegetation, although visible from public footpaths. Given the design, scale and materials proposed, the development is not considered to result in a detrimental impact to the character of the area and would not conflict with the purposes of the South Downs National Park.

Impact on Neighbours

Set away from other neighbouring properties, so not thought to have any detrimental impact.

Other matters

Public Right of Way - concerns have been raised over the right of way which has not been shown on the plans, and appears to go straight through the existing stable buildings, an informative has been put on to identify that a planning application needs to be submitted to relocate the new right of way, to support the Right of Way officer, Parish and local ramblings group concern.

9 Conclusion

The application is therefore considered to be acceptable and is recommended for approval.

10 Reason for Recommendation and Conditions

It is recommended that the application be Approved for the reasons and subject to the conditions set out below.

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

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended)/ To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

2. Approved Plans

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

3. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no buildings, structures or works as defined within Part 1 of Schedule 2, classes A, B, C, D, E, F, G or H inclusive of that Order, and no fence, wall or other means of enclosure permitted by Class A of Part 2, Schedule 2 of the Order shall be erected or undertaken on the site.

Reason: To protect the landscape character of the South Downs National Park.

4. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those listed in section 4.1 of the submitted Design and Access Statement.

Reason: To ensure a satisfactory visual relationship between the new development and the existing.

5. Details of any external lighting of the site shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. The lighting scheme should be in accordance with Guidance Note 08/18 produced by the Bat Conservation Trust and Institute of Lighting Professionals. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area, the environment and protected species from light pollution.

6. Detailed proposals for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved details shall be fully implemented before development commences.

Reason: To ensure satisfactory provision of foul and surface water drainage.

7. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

- Proposed finished levels or contours, in comparison to existing ground levels, including the damp proof course and ground floor of the proposed buildings, and the relationship to the levels of adjacent buildings, together with contours to be formed and earthworks to be undertaken;
- All boundary treatment;
- Hard surfacing materials;
- Minor artefacts and structures (refuse or other storage units, signs and lighting etc);

Soft landscaping works shall include:

- planting plans (for new trees, hedges and other planting);
- written specifications (including cultivation and other operations associated with plant and grass establishment);
- schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- implementation programme.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and provide separation between the property and adjacent public right of way.

8. An updated bat inspection shall be undertaken by a suitably qualified ecologist before commencement of the works or any preparatory works. This should determine whether any protected are likely to be present or affected by the proposed works.

Reason: To safeguard protected species and ensure that an offense is not committed under the Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended).

9. No development shall commence until biodiversity enhancements have been submitted to and approved in writing and shall be fully implemented before occupation.

Reason: To protect existing ecology on site and to comply with CPI6 of the LPP2

10. A Construction Method Statement (CMS) shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. This should outline how construction will avoid, minimise or mitigate the effects of dust, hazardous chemicals, noise and lighting disturbance on Mayhill Lane, Swanmore SINC and Mayhill Copse SINC. It should include physical barriers, normal working hours only (to minimise noise and lighting disturbance), storage of any chemicals/ oils away from where spills could enter the SINC's and provision of spill kits for any such chemicals.

Reason: To ensure the integrity of Mayhill Lane, Swanmore SINC and Mayhill Copse SINC is maintained.

11. The recommendations within the Ecological Constraints Survey (SLR, October 2017) and Ecological Technical Addendum (SLR, January 2019) shall be implemented during the construction period.

Reason: To safeguard protected species and maintain biodiversity.

11. Crime and Disorder Implications

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

12. Human Rights Implications

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

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

14. Proactive Working

Worked with the agent to achieve a positive solution after additional information was requested and received which were acceptable.

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Appendices Appendix I – Plans Referred to in Consideration of this Application

Appendix I – 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 on Plan	Status
Plans - LOCATION PLAN	100 PI		13.02.2019	Approved
Plans - EXISTING BLOCK PLAN	101 PI		13.02.2019	Approved
Plans - EXISTING BUILDING PLANS	105 PI		13.02.2019	Approved
Plans - EXISTING ELEVATIONS	106 PI		13.02.2019	Approved
Plans - PROPOSED BLOCK PLAN	110 PI		13.02.2019	Approved
Plans - PROPOSED GROUND FLOOR & ROOF PLANS	111 PI		13.02.2019	Approved
Plans - PROPOSED ELEVATIONS	112 PI		13.02.2019	Approved
Plans - PROPOSED MATERIALS	113 PI		13.02.2019	Approved
Reports -	Design and Access Statement		13.02.2019	Approved
Reports -	Planning Statement		13.02.2019	Approved
Reports -	LVIA		13.02.2019	Approved

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