

NEW FOREST DISTRICT COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015

Mrs Grainger
Old Malt House
Bickton Lane
Bickton
Fordingbridge
SP6 2HA

Application Number: **16/10231**

Applicant: Mrs Grainger

Date of Application: 18 February 2016

THE NEW FOREST DISTRICT COUNCIL as the Local Planning Authority **REFUSES TO GRANT PERMISSION** for the following development:

Development: **Use as holiday let**

Site Address: **The Old Railway Station, Woodgreen Road, Breamore SP6 2AB**

This decision has been taken in respect of the plans and particulars which were submitted with the application and numbered as follows: Site Plan/ Block Plan, Elevations; drg no. rev 00, Existing Floor Plan; drg no. rev 00, Proposed Floor Plan; drg no. rev 00.

Reason(s) for Refusal:

- 1 The proposed development would result in the loss of an employment use in this viable location, without an adequate marketing exercise to justify its loss, and it has not been clearly demonstrated that the existing building could not be reasonably used for alternative purposes that would be consistent with Local Plan policies. As a result the proposal would be contrary to policy CS21 of the Core Strategy for the New Forest District outside the National Park and policies DM13 and DM24 of the Local Plan Part 2.

Notes to applicant

1. Important notes, including the rights of appeal, are set out on a sheet attached to this notice and you are advised to read these carefully.
2. New Forest District Council has adopted a Community Infrastructure Levy (CIL) charging schedule and any application now decided, including those granted at appeal, will be CIL Liabe. CIL is applicable to all applications over 100sqm and those that create a new dwelling. Under Regulation 42A developments within the curtilage of the principal residence are likely to be exempt from CIL so CIL may not be payable provided the applicant submits

the required exemption form prior to commencement of the development.

3. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

Although the officer's recommendation was for approval Members of the Planning Development Control Committee determined that the application was unacceptable for the reason for refusal as set out above.

D. Groom

Date: 10 June 2016

D Groom
Service Manager Planning and Building Control
Appletree Court
Beaulieu Road
Lyndhurst
Hampshire
SO43 7PA

((1))

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

(2) Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part 6 of the Town and Country Planning Act 1990.

Application Number: 16/10231 Full Planning Permission

Site: THE OLD RAILWAY STATION, WOODGREEN ROAD,
BREAMORE SP6 2AB

Development: Use as holiday let

Applicant: Mrs Grainger

Target Date: 16/05/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside

Historic Land Use

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**Core Strategy****Objectives**

- 1. Special qualities, local distinctiveness and a high quality living environment
- 4. Economy
- 7. The countryside
- 9. Leisure and recreation

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS17: Employment and Economic Development
- CS19: Tourism
- CS21: Rural Economy
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

- DM1: Heritage and Conservation
- DM3: Mitigation of impacts on European nature conservation sites
- DM13: Tourism and visitor facilities
- DM20: Residential development in the countryside
- DM22: Employment development in the countryside

DM24: Loss of rural employment sites, shops, public houses and community facilities

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

Mitigation Strategy for European Sites
Parking Standards
Breamore Village Design Statement
Conservation Areas

6 RELEVANT PLANNING HISTORY

02/74096: Change of use to Use Class B1 (a) (b) and (c). Granted: 3 July 2002

7 PARISH / TOWN COUNCIL COMMENTS

Breamore Parish Council: strong objection on the following grounds:

- The building offers employment opportunities and a change of use should be resisted;
- There has been no marketing since July 2015 which was at an inflated price (£12.50 per square ft as opposed to current marketing of £7.75 per square ft for similar properties);
- The building has not been adequately or appropriately marketed.

8 COUNCILLOR COMMENTS

No comments received

9 CONSULTEE COMMENTS

9.1 New Forest National Park Authority: providing habitat mitigation measures are secured, the Authority has no comments to make in relation to this development

9.2 Land Drainage: no comment

9.3 Hampshire County Council Rights of Way: no objection

9.4 Ministry of Defence: no safeguarding objections to proposal

9.5 Environmental Health: no concerns with this application

9.6 Hampshire County Council Highway Engineer: no objection subject to condition

9.7 Conservation Officer: no concerns

9.8 Planning Policy: The use of the building for visitor accommodation may indeed be appropriate and would support the tourist economy, but sufficient justification will be needed in order to override the policy presumption in

favour of retaining the business use.

9.9 Estates and Valuation Manager: marketing exercise inadequate/ likely difficulty in finding B1 use

10 REPRESENTATIONS RECEIVED

5 letters (4 households) received expressing the following concerns::

- The marketing exercise is questionable, undertaken by a local residential agent, details were not widely distributed (i.e. it was not on Rightmove) and the price was too high;
- The Council should have limited regard to the marketing exercise;
- Why has the building not been marketed recently whilst still vacant?
- The Council refused similar application for the nearby dairy which now supports a thriving business employing over a dozen people;
- The premises have not been advertised for sale;
- There is a lack of parking;
- Concerns regarding safety of nearby children owing to 'strangers' staying;
- Holiday makers might cause noise and disturbance;
- Will be likely to increase house/ car insurance premiums;
- In January 2016, the National Park Authority refused planning permission for the conversion of a Methodist Chapel at Woodgreen for reasons including "beneficial community or business use would be more acceptable" and "the level of activity generated by the proposed development would have an unacceptable impact upon the character of the countryside". Both carry equal weight in the assessment of this planning application.

11 CRIME & DISORDER IMPLICATIONS

n/a

12 LOCAL FINANCE CONSIDERATIONS

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments.

Based on the information provided at the time of this report this development has a CIL liability of £4,208.42.

Tables setting out all contributions are at the end of this report.

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.

- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case, the applicant was requested to submit details of the marketing exercise which was undertaken which has now been assessed by the Estates and Valuation Manager. The application also follows pre-application advice sought by the applicant.

14 ASSESSMENT

Introduction

- 14.1 The application relates to the former Breamore railway station which stands on the former Salisbury and Dorset junction railway. The station has been restored while both platforms remain (in part) with the track bed a public footpath. The site falls within the countryside and the Breamore Conservation Area. The New Forest National Park boundary runs along the former track bed.
- 14.2 The building currently provides a business use further to the grant of planning permission 02/74096 (Change of use to Use Class B1 (a) (b) and (c)); this was permitted on 3 July 2002. This application seeks a change of use to a one bedroom holiday let. No external changes are proposed.

Principle of Proposal

- 14.3 The application site comprises an existing employment use, albeit vacant. Policy CS21 seeks to keep existing employment sites in rural areas; policy DM24 elaborates on this policy and sets out the exceptions where the loss of a rural employment site could be considered appropriate. These exceptions include where alternative equivalent provision is made; where the proposal would provide greater community benefits for which there is a recognised local need; or where the current use of the site or building has an adverse impact on the character and amenities of the area. None of these exceptions are considered to apply and therefore, the application has been advertised as a departure to policy.

- 14.4 Policy DM13 allows for the development of tourist and visitor facilities in certain circumstances, none of which would appear to apply in this case.
- 14.5 Notwithstanding the above, having regard to the merits of this proposal, the Policy sections comments advise that use of the building for visitor accommodation may be appropriate and would support the tourist economy, but sufficient justification would be needed in order to override the policy presumption in favour of retaining the business use. Accordingly, the applicant needs to provide substantial evidence that the existing use is no longer viable, or that extensive marketing at a reasonable rent has taken place to seek an alternative business use. Rural business premises tend to be quite popular and so particular scrutiny should be afforded to the marketing of the premises.
- 14.6 In this instance, the applicant has submitted details of the marketing exercise which has been undertaken. This advises that a local agent was instructed to market the building in October 2013 with local adverts also placed in local shops by the applicant. As a result, one person rented desk space within the building for 15 months in 2013/ 2014. Proposals for a dog grooming business (May 2014) and a business that would have included demonstrations of hi-fi speakers (February 2015) were rejected given the potential impact on neighbours. Further to this marketing exercise, the applicant is of the understanding that the building is too big for a home worker upgrading but too small for a larger business.
- 14.7 Marketing with the estate agent was suspended in July 2014 and the applicant thereafter attempted to sell the lease of the building via an advert in the Salisbury Journal between August and October 2014. The restriction on the use of the building is cited as the reason why this advert proved unsuccessful.
- 14.8 Comments received from the Council's Estates and Valuation Manager in respect of this marketing exercise state that the marketing undertaken, particularly in recent times, has not been adequate given that a mainstream commercial agent would need to be instructed who would ensure adequate (and up to date) coverage (i.e. more widely advertised). With regards to the pricing, the annual quoting rent is considered to be within negotiating range of a reasonable market level but the selling price set in October 2014 was out of proportion and set at a level that would have been unlikely to attract B1 type users. Nevertheless, although nothing can be concluded from past marketing, it is advised that it is probably true that it remains difficult to find B1 occupiers in locations that are remote from other business concerns therefore, on a rental basis it could be expected to be difficult to maintain occupation on a consistent basis and it could also be difficult to motivate a sale at current commercial yields.
- 14.9 Notwithstanding the above shortcomings of the submitted marketing exercise (albeit noting the anticipated difficulties in renting/ selling this building for B1 purposes), the Council acknowledge that there is merit in securing a new use for this heritage building whilst the amount of employment floorspace that would be lost would be relatively modest. It is also considered that this building, given its design and history, would make an attractive holiday let while it is further acknowledged that use as

a holiday let would still offer a form of employment and would help to support the local economy. These factors weigh in favour of the proposal.

14.10 In considering the sustainability of any refusal reason, it is also necessary to have regard to Class O of the General Permitted Development Order which allows the change of use of offices to dwelling houses. Whilst this is not directly applicable given condition 7 of planning permission 02/74096 (which restricts use of the building to Class B1 (a), (b) and (c) uses), it highlights that in many cases, the Council are now not able to resist the loss of rural employment space.

14.11 In weighing all of the above, it is considered that any associated refusal reason having regarding to a lack of marketing would be more difficult to sustain and for this reason, on balance, there is no associated objection to this application.

Design/ Visual Amenity

14.12 The proposal does not propose any external changes to the building. It is considered that the building has potential to be used as a holiday let and that it could become an attractive place for visitors to take a holiday given its countryside location close to Fordingbridge and other settlements in the Avon valley; the history and design of the building will also add special interest. Accordingly, there is no design/ visual amenity based objection to the proposal.

Residential Amenity

14.13 The application site sits amongst a handful of residential properties with the Old Station House opposite closest and with access in front of the building leading to the recent residential development of Breamore Halt. Historically the building would have received a higher number of visitors while given its size (one-bedroom), only small groups could be accommodated. Any impact on the neighbouring properties would therefore be limited and, despite the concerns raised, there is no objection on residential amenity grounds.

Highway Safety

14.14 The Highways Engineer has raised no objection to this application subject to a condition requiring provision and retention of the car parking spaces shown.

Habitats Mitigation

14.15 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation

Projects or otherwise providing mitigation to an equivalent standard.

Conclusion

- 14.16 In conclusion it is considered that the proposed change of use would be acceptable in the circumstances of this case with no adverse implications to the character and appearance of the area or neighbouring properties.

Human Rights

- 14.17 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

CIL Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	50.47	0	50.47	£4,208.42 *

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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 not be occupied by any one person for more than one month in any calendar year.

Reason: To ensure the building is not used as a permanent dwelling which would be contrary to Policy DM20 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites

and Development Management).

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2005 and the Town and Country Planning (General Permitted Development) Order 2015 and the Town and Country Planning (General Permitted Development) (Amendment) Order 2015 or any subsequent re-enactments thereof, the development hereby approved shall be used as a holiday let only and for no other use purposes, whatsoever, including any other purpose in Class C3 of the Town and Country Planning (Use Classes) Order 2005 or any subsequent re-enactment thereof, without express planning permission first being obtained.

Reason: To ensure the building is not used as a permanent dwelling which would be contrary to Policy DM20 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

4. The car parking area for two vehicles shown on the submitted Site Plan/ Block Plan shall be retained solely for the use of the holiday let accommodation hereby approved.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policy CS2 and CS24 of the Local Plan for the New Forest outside of the National Park (Core Strategy).

5. No development shall be carried out until proposals for the mitigation of the impact of the development on the New Forest and Solent Coast European Nature Conservation Sites have been submitted to and approved in writing by the local planning authority, and the local planning authority has confirmed in writing that the provision of the proposed mitigation has been secured. Such proposals must:

- (a) Provide for mitigation in accordance with the New Forest District Council Mitigation Strategy for European Sites SPD, adopted in June 2014 (or any amendment to or replacement for this document in force at the time), or for mitigation to at least an equivalent effect;
- (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing maintenance and monitoring of any Suitable Alternative Natural Green Spaces which form part of the proposed mitigation measures together with arrangements for permanent public access thereto.
- (c) The development shall be carried out in accordance with and subject to the approved proposals.

Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that there will be no adverse impacts on the New Forest and Solent Coast Nature Conservation Sites in accordance with Policy DM3 of the Local Plan Part 2 and the New Forest District Council Mitigation Strategy for European Sites Supplementary

Planning Document.

6. The development permitted shall be carried out in accordance with the following approved plans:

Site Plan/ Block Plan; Elevations; drg no. rev 00; Existing Floor Plan; drg no. rev 00; Proposed Floor Plan; drg no. rev 00

Reason: To ensure satisfactory provision of the development.

Notes for inclusion on certificate:

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case, the applicant was requested to provide the marketing exercise that was undertaken and follows pre-application advice sought by the applicant and follows a pre-application discussion whereby the applicant was advised that this proposed change of use would be likely to be supported.

2. In discharging condition No. 5 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)