



RCC TOWN PLANNING CONSULTANCY



**Site: Area of existing barn opposite The Old Post Office,
Harts Lane, Newtown, Newbury, RG20 9AP**

**Proposal: New detached 2-bedroom dwelling
and associated works (alternative scheme to
previous planning approval reference:
21/03034/FUL).**

On behalf of: Anne Hutchins

Date of Issue: July 2022



RCC TOWN PLANNING CONSULTANCY

PLANNING STATEMENT

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1.0 INTRODUCTION

- 1.1 This statement has been prepared on behalf of the applicant, Mrs Anne Hutchins, to support this full planning application to construct a new detached 2-bedroom single storey dwelling in the place of an existing barn at Harts Lane, Newtown. This scheme is proposed as an alternative to that recently granted planning permission for the conversion of the barn to form a similar sized dwelling.
- 1.2 The replacement building would be tantamount in scale, form and general proportions to the conversion scheme already granted. The proposed plans show how the site would be arranged to create a new residential curtilage, with alterations to the existing field access and off-street parking provision, akin to that approved as part of the conversion scheme.
- 1.3 Whilst not constituting major development, nor development within a designated area, the applicant has sought to provide a summary overview through this statement, which will examine how the proposed development relates to the site and its context. The statement will also provide an explanation and justification for the scheme having regard to the national and local planning policy context and shall explain the significance of case law and cite other appeal decisions and local examples in applying the valid fallback position to this scheme.



2.0 SITE CONTEXT

- 2.1 This application relates to a parcel of land and associated detached barn found opposite The Old Post Office, Harts Lane, Newtown.
- 2.2 The village of Newtown is a dispersed settlement located approximately 2 miles due south of the larger town of Newbury. Although a small settlement, Newtown benefits from some facilities including a village hall, public house and places of worship. Newtown is also on the bus route to Newbury with limited stops at The Swann Inn and a more frequent service found along the main road to the north of the village.
- 2.3 The application site is located toward the southern edge of Newtown, on the western side of Harts Lane, opposite a cluster of residential dwellings including The Old Post Office (which is under the same ownership).
- 2.4 Historically the application site formed part of a larger smallholding ran by the applicants and her family. The land still supports a variety of small agricultural vehicles, sheds and buildings, the largest of which is a barn previously used for agricultural and low key general domestic storage purposes in association with The Old Post Office.
- 2.5 The barn is located toward the south of the application site and is set against rising land to the south and east. To the northern and western aspects the application site borders agricultural land (also under ownership of the applicant), to the east the land rises to the hedged roadside boundary which separates the site from Harts Lane and a neighbouring residential dwelling known as 'Woodcote' borders the site to the south.



Figure 1: Aerial photograph showing application site and its surroundings

- 2.6 The existing barn is a single storey detached building, of rectangular plan form with a footprint extending to approximately 180 square metres. The external appearance of the building is relatively rudimentary and befits its historical agricultural uses, with timber clad elevations set above dwarf concrete block walls and corrugated metal sheet roofing. It is understood that the barn was constructed in 1980 for agricultural purposes in connection with the wider smallholding (but there has been a building on this site since the early 1900's). However, the building now sits redundant for its originally intended purpose, partly as the activity on the small holding has diminished in recent years and also due to changes in agricultural practices. In more recent years it has been used for low key general storage in connection with the applicant's dwelling opposite the site.
- 2.7 Access to the application site is currently provided by a gated vehicular entrance point at the north eastern site corner and which adjoins Harts Lane. The entrance point leads to a track which runs south toward to the front of the barn.



Figure 2: Photographs of the farm building (left) and gated access point onto Harts Lane (right)

- 2.8 Looking at the wider site context, right of way footpaths (18 and 24) run in an east to west direction crossing Harts Lane approximately 30 metres to the south of the site, but due to differences in the land levels and verdant nature of the site and its surroundings, limited visibility down into the site is possible to users of the right of ways.
- 2.9 The application site is not covered by any landscape, arboricultural or heritage designations or restrictions and with respect of flooding, the land falls within Flood Zone 1 (lowest risk).
- 2.10 In October of last year, a planning application was submitted for the conversion of the existing barn to form a 2-bedroom dwelling together with associated works. Evidence was provided to demonstrate that the proposal met the tests of Basingstoke and Dean Borough Council (BDBC) Local Plan Policy SS6 (c) which permits new housing in the countryside through the re-use

of a redundant or disused permanent building, and planning permission was duly granted under application reference: 21/03034/FUL on the 22nd December 2021 (see **Appendix A** for copy of decision notice and corresponding case officer notes).

- 2.11 Notably, case officer notes to the approved application recorded that *'Due to the location of the site, set on lower topography than the adjacent road and the retention of the site's mature hedge boundary treatment, the development would not be highly visible from surrounding public vantage points.'* Furthermore, the officer report confirmed that the change of use of the building and site *'would in general terms lead to a small enhancement to the local character of the area as the site becomes decluttered'* and would *'lead to a small enhancement of the immediate setting of the site... with opportunities for the wider site to be further enhanced through the planting of vegetation'*.
- 2.12 Markedly, in approving the conversion of the barn to a dwelling, the officer notes acknowledge that BDBC are unable to demonstrate a 5-year housing land supply (HLS).¹ Consequently, the report confirms that Local Plan policy SS6 is out of date as relates to provision of housing, therefore notwithstanding the Council's assessment of compliance with policy SS6, the decision looked instead to the tests set out at paragraph 11d of the NPPF, with the planning balance concluding that no demonstrable harm would result from the scheme to outweigh benefits when assessed against the policies in the framework taken as a whole. Such benefits outlined by the Council to include; contribution to the vitality of a rural community (highlighting the site is close to other development and not isolated), noting that the siting accords with the established pattern of development (noted as being scattered and low density) and considering that the scale, mass and appearance of the dwelling would fit in with character and appearance of surrounding area. The social and economic benefit from construction and subsequent occupation of a dwelling, alongside the small contribution toward the Council's HLS were also noted.
- 2.13 Since the consent was granted, the applicant has further considered the practicalities of converting the existing barn. While this remains a feasible option, there are major advantages in replacing the existing building as opposed to converting it. This in terms of the simplicity and ease of the build process, success of the design concept and in achieving a far more sustainable building. For example, retrofitting an existing building to achieve high standards of thermal insulation and air tightness is very complex, and is often less successful than levels which can be achieved with a new build.
- 2.14 In ensuring the integrity of the existing building is maintained as part of any conversion, this largely dictates the design and can be restrictive, for example concerning roof options, materials and glazing in order to work with the nature of the existing construction. At this site, new build would have further

¹ BDBC Updated Housing Land Supply Position recording only 4.5 years deliverable supply as of March 2022



identifiable benefits as the existing barn is set into rising land to its eastern aspect. A benefit of new build over conversion in this instance would allow for any development to be set back slightly further from this tree lined bank, avoiding potential issues with damp penetration in the future and any conflict with existing vegetation. In addition, new build allows for an opportunity for the replacement building to be reorientation by 90 degrees, offering greatly improved solar gain.

- 2.15 Replacing the existing barn with a similar new building would enable the dwelling to be purpose designed and constructed, using high performing construction methods with for example, improved thermal efficiency through, inter alia, reducing opportunities for cold bridging. Consequently, any new building would comparatively outperform the efficiency of any conversion scheme.
- 2.16 The prospect of a new building would not only allow for better thermal performance but allow opportunities for a more site specific and aesthetically pleasing design, enhancing the environment and resulting in better living conditions for occupants. Moreover, a new building would minimise energy costs to the environment over its lengthy lifespan and would transpose to lower energy bills for future occupants.
- 2.17 Consequently, we contend that the replacement of the existing barn with a new building represents an all-round preferable option to the implementation of the existing conversion consent.
- 2.18 It is appreciated that a new build proposal falls to be considered under different planning policies than the conversion scheme already approved. However, as acknowledged by BDBC during consideration of the conversion scheme, the inability of the Council to demonstrate a 5-year HLS renders these housing policies out of date and applications instead fall to be assessed against policy at paragraph 11(d) of the NPPF. Furthermore, notable in this case is the fact that the existing barn could be converted under the recently approved application which is now a key material consideration. Known as the valid 'fallback' position, what falls to be considered is any material harm which would result over and above the approved scheme. This is discussed further in the assessment sections below.



3.0 PLANNING HISTORY

3.1 Permission was granted in December of 2021 for the conversion of the existing barn on the site to provide a 2-bedroom dwelling with associated works, as recorded in the table below:

Application_Reference:	Title
21/03034/FUL	Change of use and conversion of redundant agricultural building and associated land to form a two-bedroom dwelling – approved 22/12/21

3.2 Within the site vicinity in recent years there have been several applications for new dwellings, considered pertinent as the permissions indicate that the settlement represents a sustainable location for minor housing development. Those applications considered of most relevance are set out in the table below:

Application Reference:	Title
18/03068/FUL (Appeal ref: APP/H1705/W/19/3225668)	Erection of detached dwelling with associated access and landscaping – allowed at appeal 20/08/19
18/02095/OUT (Appeal ref: APP/H1705/W/19/3222118)	Outline application for matters of access and layout for the erection of a dwelling with hard and soft landscaping and associated works – allowed at appeal 08/08/19.
20/01744/FUL	Erection of detached dwelling with associated access and landscaping – approved 13/11/20.
21/03772/FUL	Change of use and alterations to barn to form residential dwelling with associated works to facilitate subdivision of site into two plots – approved 08/04/22.



4.0 PLANNING POLICY

- 4.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) states that in dealing with an application for planning permission, the local planning authority (LPA) shall have regard to the provisions of the development plan, so as far as material to the application, any local finance considerations, so far as material to the application and any other material considerations.
- 4.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan, unless material considerations indicate otherwise.
- 4.3 For the purposes of this application, the development plan comprises the Basingstoke and Deane Borough Council Local Plan 2011-2029 (adopted 2016) (BDBC LP). Government guidance is provided within the revised National Planning Policy Framework published July 2021 (NPPF).
- 4.4 BDBC have produced several Supplementary Planning Documents (SPD's) including those on Design and Sustainability, Landscape Biodiversity and Trees, Housing, Parking Standards and Planning Obligations for Infrastructure, all adopted in 2018 and which provide relevant background guidance for this proposal.
- 4.5 Newtown has yet to be designated within an area for the purposes of neighbourhood planning.
- 4.6 Key material considerations in this instance relate to the inability of BDBC to demonstrate a 5-year Housing Land Supply (HLS) and fundamentally, the established fallback position of the recent planning consent allowing the barn to be converted to provide a similar sized dwelling on the site.
- 4.7 The key relevant policies within the above plans and guidance are set out in the associated tables below:

BASINGSTOKE AND DEANE LOCAL PLAN (2011-2029)

Policy	Title
SD1	Presumption in Favour of Sustainable Development
SS1	Scale and Distribution of New Housing
SS6	New Housing in the Countryside
CN9	Transport
EM1	Landscape
EM4	Biodiversity, Geodiversity and Nature Conservation
EM7	Managing Flood Risk



EM9	Sustainable Water Use
EM10	Delivering High Quality Development

NATIONAL PLANNING POLICY FRAMEWORK (JULY 2021)

Chapter	Title
2	Achieving Sustainable Development
5	Delivering a sufficient supply of homes
9	Promoting sustainable transport
11	Making an effective use of land
12	Achieving well-designed places
15	Conserving and enhancing the natural environment



5.0 PLANNING ASSESSMENT

- 5.1 As recorded at paragraphs 4.2 and 4.3 above, section 38(6) of the Planning and Compulsory Purchase Act 2004 establishes that 'determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan in this instance comprising the BDBC LP 2011-2029. However, there are two key material considerations in this case, namely the inability of BDBC to demonstrate a 5-year HLS rendering LP housing policies out of date, and the presence of a valid fallback position, the latter requiring the proposed scheme to be compared with the valid fallback position to determine, what, if any material harm would result over and above the fallback (in this case the approved scheme).
- 5.2 Thus, the key planning considerations can be outlined as:
- The principle of the redevelopment of the site to provide a new build residential unit in terms of planning policy and;
 - The application of the fallback test, specifically its validity in this case and comparison between fallback and proposed new dwelling.
- 5.3 These will be considered in turn below.

Principle of redevelopment of site to provide a new build residential unit in terms of planning policy

- 5.4 Planning decisions are required to take into account the development plan, along with any other material planning considerations in arriving at a balanced judgement.
- 5.5 The general approach of BDBC Local Plan is to direct new housing development toward defined settlement policy boundaries (SPB's), with development not ordinarily encouraged in countryside locations outside of these boundaries, except where a proposal meets certain exceptional tests. These exceptions seek to respond to both local circumstance and national policy. This is in part to help meet Government's clear aims to 'boost significantly the supply of housing' and to 're-use previously developed land' (Chapters 5 and 11 respectively).
- 5.6 For countryside locations within BDBC, these exceptions are set out at policy SS6 of the Local Plan, which allows for new housing in the countryside in a limited number of circumstances, one of these, set out at SS6 c), being from the conversion of permanent rural buildings, subject to a number of criterion. The extant approval for the conversion of the barn was judged by the Council to comply with the terms of SS6 c) when the application was decided in December of last year.
- 5.7 As the current proposals no longer propose a conversion of the barn but relate to a new build unit, they would not fall to be considered under criterion c) of policy SS6. Open market residential development is not listed within any of the exceptions set out at SS6. However, at criterion a,) the policy does allow for



new housing on previously developed land (PDL), provided such sites are not isolated, not of high environmental value and that the proposed use and scale of the development is appropriate to the context. Arguably, due to the presence of a permanent rural building on the land with extant permission for conversion to residential use, we would contend that the site could be considered as PDL. The possibility of the status of the site constituting PDL was noted by the parish council in their response to the conversion application last year. The site is not isolated (as confirmed by the Council in case officer notes to the conversion scheme) and nor is it of high environmental value and the suitability of the site for development to provide one residential unit of a similar scale to that now proposed has already been considered acceptable by the Council in approving the conversion scheme. It follows that a new build single residential unit on the site could be permissible under the criterion set out at policy SS6 a) of the BDBC Local Plan.

- 5.8 Notwithstanding the policy position relative to the Development Plan, should the Council find any conflict between the new build proposal and the Development Plan, it should be acknowledged that BDBC is not currently able to demonstrate a 5-year HLS as required by the NPPF. As such, policies relating to housing delivery in the Development Plan are considered out of date, and proposals instead fall to be considered in line with paragraph 11d) of the NPPF. This states that *'where policies which are most important for determining the application are considered out of date, permission will be granted unless the application of policies in the framework that protect areas or assets of particular importance provides clear reason for refusing the development proposed, or that any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole.'*
- 5.9 Case officer notes to the conversion scheme record an undertaking of an assessment of the proposal against this test within the planning balance, before concluding that the application be approved in light of paragraph 11(d) of the NPPF.
- 5.10 Given the similarities between the new build scheme now proposed and the conversion scheme, which both relate to a single residential unit of similar form and scale, we contend the same conclusion should be reached in relation to this application, and that any adverse impacts of approving the development proposed would not significantly and demonstrably outweigh the benefits, when assessed against the policies of the framework as a whole (our emphasis added). The current proposals comply with the over-arching principles and advice in the NPPF, which aims to significantly boost supply of homes (paragraph 60) and bring forward development on previously developed land (paragraph 119). The site is not isolated, and therefore its redevelopment would be supported by paragraph 79 of the framework, which advises that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The improved design and sustainability of the new build scheme accords with the



drive within the framework to ensure sustainable, well-designed places (paragraphs 126, 130 and 134) and adds further positive weight in favour of the proposal. A more detailed comparison of the impacts from the current proposal compared with those arising from the conversion scheme follows later within this statement at paragraphs 5.22-5.28 inclusive.

- 5.11 Notwithstanding the above conclusions concerning an assessment of the proposal against planning policy, the fallback position is an important material consideration critical to the determination of this proposal as justified below.

Application of the fallback test

- 5.12 As noted above, the granting of the conversion of the barn to form a dwelling was recently considered acceptable to the local planning authority having regard to policy SS6 of the BDBC Local Plan (which allows for the principle of housing in rural locations subject to various criteria) and given that BDBC cannot demonstrate a 5 year HLS, therefore its housing policies being considered out of date, having regard to the tests set out at paragraph 11(d) of the NPPF (requiring the granting of permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole).
- 5.13 For reasons already outlined (to include ease of construction, design improvements and gains for sustainable construction) the applicant has been advised that it would be preferable to demolish the existing building and construct a replacement. The replacement building would be tantamount in scale, form and proportions to the conversion scheme already approved, and both would result in the land being developed to realise a single storey two-bedroom open market dwelling. The fact that permission exists for the conversion of the existing barn to form a dwelling so similar to that now proposed is a weighty material consideration. Indeed, the validity of the fallback position (i.e. what could be achieved even if consent were to be refused) is a well-enshrined principle in planning law.
- 5.14 In *R v Secretary of State for the Environment and Havering BC (1998) EnvLR189*, Mr Lockhart-Mummery QC stated here that the considerations are: "*First whether there is a fallback use, that to say whether there is a lawful ability to undertake such a use; secondly, whether there is a likelihood or real prospect of such occurring. Thirdly, if the answer to the second question is a "yes" a comparison must be made between the proposed development and the fallback use.*" This is quoted as part of a High Court judgement contained at **Appendix B**.
- 5.15 It is useful to examine another similar judgement concerning a judicial review which reached the High Court, a copy of which is provided at **Appendix B**. In this case (*Mansell v Tonbridge and Malling Borough Council*) the Council's decision was being challenged partly on the basis that the Council had erred by giving weight to what could be achieved on the site under 'permitted development', without any further grant of planning permission.



- 5.16 In that particular instance, the site contained buildings that could have legitimately been converted into 4 dwellings. The planning officer sought to make comparison between the scheme as proposed, and the valid fallback situation in leading Members of the Planning Committee to make a balanced judgement on the planning application and recommending that application be granted approval.
- 5.17 Mr Justice Garnham concluded that the planning officer had in fact directed the committee appropriately by setting out the fallback situation and did not accept the claimant's allegation. Mr Justice Graham, in applying the 'tests' set out at paragraph 5.15 above, agreed firstly that there was a legitimate fallback use of the site resulting from the existence of permitted development rights which allowed for the existing buildings to be utilised as four dwellings. Secondly, he concluded that the site would not reasonably be left undeveloped, given the existence of those permitted development rights, so there was indeed a likelihood of such development occurring. He finally concluded therefore that the planning officer had not erred in discussing the differences between the proposed scheme and the fallback use for 4 dwellings and recommending permission be granted as the differences did not result in material harm warranting a refusal.
- 5.18 In applying the three elements of the 'fallback test' as set out in paragraph 5.15 above to this planning application we set out the following:
1. A lawful ability to undertake development resulting in the use of the existing barn as a dwelling exists, due to the presence of a lawful extant planning permission which could be implemented forthwith.
 2. The applicant has explained intent to develop the site for herself and there is no reason to doubt that the building shall be converted in the event this current application were to be unsuccessful.
 3. It therefore falls for a comparison to be made between the proposed development and the fallback use. This is set out below at paragraphs 5.22-5.28 inclusive. By inference, unless there is material harm resulting from the proposed scheme over and above the fallback, permission ought to be granted.
- 5.19 Similar cases can be found within the same local authority area (BDBC) where the LPA's consideration of the fallback position changed the starting point and likely outcome of applications. For example, the approval of application reference: 18/03682/FUL (copy of decision and officer report found at **Appendix C**). This application has distinct parallels to the current proposal and can be used to establish a precedent and inform how the fallback ought to be similarly applied in this instance. 18/03682/FUL concerned an application for a new dwelling to replace a building which had extant planning approval for conversion to a dwelling. As with this proposal, the site lay outside of any



recognised policy boundary and the extant approval was issued having regard to compliance with LP policy SS6. In determining 18/03682/FUL, the planning officer gave weight to the prior approval in establishing a dwelling on the site as a fallback position and referred to a recent appeal decision elsewhere within BDBC at Julian's Barn (BDBC application reference: 18/03317/FUL), where an Inspectors Decision on the site stated '*Given the site location and the need for housing generally, together with the resolve of the appellant to implement that approval and then pursue a replacement dwelling, the fallback position is a consideration to which I attach considerable weight*'. (Copy of Officer Report to 18/03317/FUL found at **Appendix D**).

- 5.20 The same policies are applicable in this instance, and in view of the parallel situation, the same can be concluded here. That is, notwithstanding any planning policy position, the starting point being the acceptability of the location for a single dwelling, given the fallback of the approved conversion scheme.
- 5.21 This statement will now turn to a comparison between the fallback position, (being the approved conversion scheme) and the new build development now proposed.
- 5.22 Aside the obvious difference that one proposal relates to a conversion and the other a new build, the main differences between the approved application and the current proposal relate to a small change in the siting of the proposed dwelling, which is re-orientated by 90 degrees and sited slightly to the north west of the current building. The footprint of the new building would touch the footprint of the existing barn which would of course be demolished (which could be controlled by a suitably worded planning condition) with this revision designed to mediate against any future damp ingress caused by the rising land into which the existing barn is set, and also to take advantage of solar gain. The external design of the new build is also very similar to the conversion scheme and keeps to the agricultural character previously approved.
- 5.23 In all other respects, the new build proposal is broadly comparable to the approved conversion scheme, for example with regards to overall size and scale, with only a modest increase in the height of the eaves and ridge but with the change in levels the proposed ridge height would be only 150mm higher than the existing ridge height. When referring to the case officer notes to the approved conversion scheme, at paragraph 2.12 of this statement we noted that '*benefits outlined by the Council to include contribution to the vitality of a rural community (highlighting the site is close to other development and not isolated), noting that the siting accords with the established pattern of development (noted as being scattered and low density) and considering that the scale, mass and appearance of the dwelling would fit in with character and appearance of surrounding area. The social and economic benefit from construction and subsequent occupation of a dwelling, alongside the small contribution toward the Council's HLS were also noted.*' It is true that these same conclusions can be reached in relation to this new build proposal.



- 5.24 The proposal will continue to realise the decluttering of the site, through the removal of all existing buildings with subsequent landscape improvements. The dwelling will remain largely screened from public vantage points due to the site topography and existing vegetation, the retention of which is reinforced through the proposals to move the new dwelling further from the vegetated bank in comparison to the existing barn. The new building itself remains low key in form and appearance with the new residential curtilage curtailed broadly as per the conversion scheme. It is noted that a new build development will not be at odds with the established character of surrounding development, described previously by the Council and Inspectors as relating to a '*random scattering of dwellings*' being of '*no particular uniformity*' and with numerous examples of local precedence for small scale residential units being approved within the immediate site vicinity in recent years (see planning history section of this statement for references to such examples). As a result, the landscape impacts of the current proposals are not considered to be materially different to that represented by the fallback position.
- 5.25 In relation to issues of highway safety the current proposal would have parallel impacts as the conversion scheme with regard to traffic generation, both relating to a 2-bedroom dwelling of comparable floor area. Access and parking provisions are not dissimilar to those previously approved, with alterations to the existing roadside vegetation to improve visibility splays at the existing access point and the provision of two off street parking and turning spaces to meet the Council's adopted standards. Turning to residential amenity, the dwelling is now slightly further from surrounding properties than would result from the conversion scheme, which itself was found to be acceptable in this regard.
- 5.26 Finally, in the event of approval, confirmation is provided that as part of any development the applicant would be willing to incorporate equivalent ecological enhancements in the new building as outlined in the mitigation proposals section of the Protected Species Survey.
- 5.27 Consequently, there is no material harm resulting from the new build dwelling, over and above the conversion scheme already accepted and it follows that approval ought to be forthcoming.
- 5.28 Moreover, it is submitted that the current proposal offers additional benefits over and above those offered by the conversion scheme in areas of design and sustainability, with associated environmental benefits. Specifically, the higher standards of construction, sustainability and living conditions for occupiers offered by the new build over the approved conversion ought to weigh in favour of the proposal, as advocated by policies at local and national level.



6.0 CONCLUSION

- 6.1 This statement has demonstrated that notwithstanding the countryside position of the site, local planning policy allows for the effective use of previously developed sites in locations such as this. This approach is advocated within the most recent publication of the NPPF, which looks to boost housing supply, and supports effective use of previously developed land (chapters 5 and 11 respectively). It is relevant to consider that at the current time Basingstoke and Deane Borough Council is unable to demonstrate a 5-year supply of deliverable housing sites and as such the tilted balance of the framework comes into consideration, requiring permission to be granted unless the impacts of doing so would '*significantly and demonstrably outweigh the benefits when assessed against the policies of the framework as a whole*'. The statement sets out the many benefits which would result from the scheme, concluding that as per the conversion scheme, the new build proposal should be approved in light of the tests set out at paragraph 11(d) of the NPPF.
- 6.2 Notwithstanding current planning policy, this statement has explained the importance of the extant planning permission in providing a valid fallback position. It has evidenced, with reference to caselaw and relevant other examples within the county, that aside from any planning policy assessment, what falls now to be considered is a comparison between the fallback position and the approved scheme.
- 6.3 In this regard, this statement has reasoned that the proposed new build scheme, like the conversion scheme, would secure improvements to the appearance of the site with landscape and biodiversity enhancements. A new build proposal also allows for an enhanced design and importantly, higher standards of sustainable construction with associated environmental benefits over the long term.
- 6.4 All other issues of acknowledged importance such as highway safety and residential amenity are adequately addressed in this new build proposal as per the conversion scheme. It follows that the current proposal would not result in material harm over and above the fallback position provided by the approved conversion scheme to warrant refusal of the application. Accordingly, the Council is politely requested to approve the application.



7.0 LIST OF APPENDICES

Provided as separate documents.

Appendix	Content
A	Decision Notice and Officer Report for 21/03034/FUL relating to approved conversion scheme
B	Judgement for Mansell v Tonbridge & Malling Borough Council 2016
C	Relevant BDBC Decision and Officer Report to application reference: 18/03682/FUL illustrating application of fallback test.
D	Officer Report to BDBC application reference: 18/03317/FUL





Mr Duncan MATHEWSON
MATHEWSON WATERS ARCHITECTS
THE OLD SURGERY
CROWLE ROAD
LAMBOURN
HUNGERFORD
RG17 8NR

NOTICE OF APPROVAL

Town & Country Planning Act 1990 Town & Country Planning (Development Management Procedure) (England) Order 2015

In pursuance of its powers under the abovementioned Act, the Council as Local Planning Authority hereby GRANTS planning permission for the:

Proposal: Change of use and conversion of redundant agricultural building and associated land to form a two bedroom dwelling
Location Land Adjacent The Old Post Office Newtown Common Newbury Hampshire RG20 9BE
Applicant: Ms Anne Hutchins

in accordance with your application, plans and particulars unless otherwise agreed in writing with the Local Planning Authority **and subject to compliance with the following conditions:**

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

Proposed Floor and Roof Plans, Elevations and section - Drawing No: 20112 - 102A
Site Location and Block Plan - Drawing No: 20112.100B

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

2. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

3. No development above damp proof course shall commence on site until a schedule of materials and finishes to be used for the external walls and roof(s) of the proposed building(s) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the details so approved.

REASON: Details are required because insufficient information has been submitted with the application in this regard, in the interests of the visual amenities of the area and in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

4. No development above damp proof course shall commence on site until details of the materials to be used for hard and paved surfacing have been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall be completed before the dwelling is first occupied and thereafter maintained.
REASON: Details are required because insufficient information has been submitted with the application in this regard, in the interests of the visual amenities of the area and in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.
5. The development hereby permitted shall not be occupied until the vehicle parking has been constructed, surfaced and marked out in accordance with the approved details (Site Location and Block Plan - Drawing No: 20112.100B) and thereafter be retained and maintained in perpetuity.
REASON: In the interests of highway safety and in accordance with Policies EM10 and CN9 of the Basingstoke and Deane Local Plan 2011-2029.
6. The dwelling hereby approved shall not be occupied until details indicating 2 long term and 1 short term secure cycle parking storage for the proposed dwelling have been submitted and approved and the development shall be maintained in accordance with the approved details.
REASON: No details have been provided in this regard in accordance with Policy CN9 and EM10 of the Basingstoke and Deane Local Plan 2011-2029.
7. The dwelling hereby approved shall not be occupied until all areas indicated to be used for vehicles and pedestrians on the approved plan have been laid out with a drained surface. Provision shall be made to direct run-off water from the surface to a permeable or porous area or surface within the curtilage of the development. Such areas shall be retained as such for the lifetime of the development.
REASON: To ensure adequate provision for surface water drainage and in the interests of highway safety.
8. The dwelling hereby approved shall not be occupied until the means of vehicular access to the site shall be constructed in accordance with the approved plan (Drg No.20112.100B) and no structure, erection or planting exceeding 1.0m in height shall thereafter be placed within the visibility splays shown on the approved plans.
REASON: To provide and maintain adequate access and visibility in the interests of highway safety in accordance with Policy CN9 and EM10 of the Basingstoke and Deane Local Plan 2011-2029.
9. Prior to the first occupation the site access shall be constructed with a non-migratory surface material for a minimum distance of 6m. measured from the nearside edge of the carriageway on the adjacent highway and will be maintained in that condition thereafter.
REASON: In the interests of highway safety in accordance with Policy CN9 and EM10 of the Basingstoke and Deane Local Plan 2011-2029.
10. No development above slab level shall take place on site until details of waste storage and collection points have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the first occupation of the development and shall thereafter be maintained.
REASON: In the interests of amenity and highway safety in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

11. The proposed development shall be carried out in line with recommendations and procedures contained within Chapter 5 Mitigation and Enhancement of the Protected Species Survey and Mitigation by Malford Environmental Consulting dated 2/8/2021. REASON: In order to prevent impacts on key species including nesting birds and hedgehogs and provide enhancements for biodiversity in line with Policy EM4 of the Basingstoke and Deane Local Plan 2011-2029.

12. No development (excluding demolition) shall commence on site until a Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. The approved tree protection shall be erected prior to any site activity commencing and maintained until completion of the development. No development or other operations shall take place other than in complete accordance with the Tree Protection Plan. REASON: To ensure that reasonable measures are taken to safeguard protected/important landscape trees in the interests of local amenity and the enhancement of the development itself, in accordance with Policies EM1 and EM10 of the Basingstoke and Deane Local Plan 2011-2029.

13. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted (including replacement trees where appropriate).
This shall include details of the replacement planting of the hedgerow adjacent to the highway, the planting of which shall include native species.
The works approved shall be carried out in the first planting and seeding seasons following the first occupation of the building or when the use hereby permitted is commenced. In addition, a maintenance programme detailing all operations to be carried out in order to allow successful establishment of planting, shall be submitted to and approved in writing by the Local Planning Authority before development commences. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, to be agreed in writing by the Local Planning Authority.
REASON: Details are required prior to commencement because insufficient information has been submitted with the application in this regard, to improve the appearance of the site in the interests of visual amenity in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

14. In order to protect neighbouring residents from prolonged disturbance, No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or operation of machinery or fitting out, shall take place before the hours of:

0730 - 1800 Monday to Friday;
0800 - 1300 Saturdays;
not on Sundays or recognised public holidays.

REASON: To protect the amenities of the occupiers of nearby properties during the construction period and in accordance with Policies EM10 and EM12 of the Basingstoke and Deane Local Plan 2011-2029.

15. Within 3 months of the date of commencement a Construction Statement detailing how the new homes shall meet a water efficiency standard of 110 litres or less per person per day has been submitted to and approved in writing by the Local Planning Authority, through a demonstration that this requirement for sustainable water use cannot be achieved on technical or viability grounds. The development shall be carried out in accordance with the approved details.
REASON: In the absence of such details being provided within the planning submission, details are required to ensure that the development delivers a level of sustainable water use in accordance with Policy EM9 of the Basingstoke and Deane Local Plan 2011-2029.

Notes to Applicant

1. 1.1 The applicant's attention is drawn to the fact that the above conditions (if any), must be complied with in full, failure to do so may result in enforcement action being instigated.
- 1.2 This permission may contain pre-commencement conditions which require specific matters to be submitted and approved in writing by the Local Planning Authority before a specified stage in the development occurs. This means that a lawful commencement of the approved development CANNOT be made until the particular requirements of the pre-commencement conditions have been met.
- 1.3 The applicant's attention is drawn to the fact that the Local Planning Authority has a period of up to eight weeks to determine details submitted in respect of a condition or limitation attached to a grant of planning permission. It is likely that in most cases the determination period will be shorter than eight weeks, however, the applicant is advised to schedule this time period into any programme of works. A fee will be required for requests for discharge of any consent, agreement, or approval required by a planning condition. The fee chargeable is £116 or £34 where the related permission was for extending or altering a dwelling house or other development in the curtilage of a dwelling house. A fee is payable for each submission made regardless of the number of conditions for which approval is sought. Requests must be made using the standard application form (available online) or set out in writing clearly identifying the relevant planning application and condition(s) which they are seeking approval for.
2. In accordance with paragraph 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following positive and creative manner:-
- proactively offering a pre-application advice (in accordance with paragraphs 39 - 46);
 - seeking further information following receipt of the application;

In this instance:

- the applicant was updated of any issues after the initial site visit;

In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.

3. The Borough Council declared a Climate Emergency during 2019 formally making this declaration at the meeting of Cabinet in September 2019. This recognises the need to take urgent action to reduce both the emissions of the Council's own activities as a service provider but also those of the wider borough. In this respect, the Council is working with consultants at present to identify appropriate actions to achieve the targets that have been set. Beyond the requirements of any conditions that may be applicable to this planning permission and the current planning policy framework, the applicant is encouraged to explore all opportunities for implementing the development in a way that minimises impact on climate change. Where this in itself might require separate permission applicants can contact the council for advice through the following link: <https://www.basingstoke.gov.uk/before-making-a-planning-application> . For information more generally on the Climate Emergency please visit: <https://www.basingstoke.gov.uk/climateemergency> .
4. The planning permission does not authorise the undertaking of any works within the highway (carriageway, footway or verge). A license/permit should be obtained from Hampshire County Council at Hampshire County Highways, Jacobs Gutter Lane, Totton, Southampton, Hampshire, SO40 9TQ. Tel: 0845 603 5633. Email: roads@hants.gov.uk. Website: www.hants.gov.uk/highways
5. The buildings onsite may comprise of materials containing asbestos. If this is the case, the material will need to be dealt with in accordance with current regulations. Any identified asbestos will need to be removed from the application site and disposed of by a licensed asbestos contractor in accordance with the Control of Asbestos Regulations 2012.
6. In the event discoloured and/or odorous soils are encountered during foundations and other excavation works; or should any hazardous materials (including asbestos) or significant quantities of made ground be found, then all development works shall be stopped and the Local Planning Authority contacted immediately. A scheme of works to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works. It is the responsibility of the developer to ensure the safe development of the site and to carry out any appropriate land contamination investigation and remediation works. The condition is to ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems. It also ensures that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and promotes the interests of residential amenity.

The officer's report can be viewed on the council's website www.basingstoke.gov.uk.



Ruth Ormella MRTPI
Head of Planning Sustainability and Infrastructure

Date: 22 December 2021

It is important that you read the notes overleaf

NOTIFICATION - APPEALS TO THE SECRETARY OF STATE

21/03034/FUL

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 the local planning authority's decision then you must do so within 6 months of the date of this notice.

However, if

- (i) this is a decision on a planning application relating to the same or substantially the same land and development and is already the subject of an enforcement notice, and 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 this notice; or,
- (ii) an enforcement notice is subsequently served relating to the same or substantially the same land and development as in your application and if you want to appeal against the 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; or,
- (iii) this is a decision to refuse planning permission for a minor commercial application you must do so within 12 weeks of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

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 you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Application 21/03034/FUL

Details of Application:	Full Planning Application Change of use and conversion of redundant agricultural building and associated land to form a two bedroom dwelling Date Registered 12 October 2021 (Subject to three year condition)
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Location:	Address: Land Adjacent The Old Post Office Newtown Common Newbury Hampshire RG20 9BE
	Ward: Evingar
	Parish: NEWTOWN CP
	OS: 447605 163469

Applicant:	Ms Anne Hutchins
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Case Officer:	Luke Benjamin 01256 845340
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RECOMMENDATION:

It is RECOMMENDED that **the application be APPROVED subject to the conditions listed at the end of this report.**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Basingstoke and Deane Local Plan 2011-2029 which locates the application site outside any Settlement Policy Boundary. The site therefore lies within a countryside location.

Planning Policy

National Planning Policy Framework (NPPF) (July 2021)

- Section 2 (Achieving Sustainable Development)
- Section 4 (Decision Making)
- Section 5 (Delivering a Sufficient Supply of homes)
- Section 9 (Promoting Sustainable Transport)
- Section 11 (Making effective use of land)
- Section 12 (Achieving well-designed places)
- Section 14 (Meeting the challenge of climate change, flooding and coastal change)
- Section 15 (Conserving and enhancing the natural environment)

Basingstoke and Deane Local Plan 2011-2029

- Policy SD1 (Presumption on Favour of Sustainable Development)
- Policy SS1 (Scale and distribution of New Housing)
- Policy SS6 (New housing in the countryside)
- Policy CN1 (Affordable Housing)
- Policy CN3 (Housing Mix for Market Housing)
- Policy CN9 (Transport)
- Policy EM1 (Landscape)
- Policy EM4 (Biodiversity, Geodiversity and Nature Conservation)
- Policy EM6 (Water Quality)
- Policy EM7 (Managing Flood Risk)

Policy EM9 (Sustainable Water Use)
Policy EM10 (Delivering High Quality Development)
Policy EM12 (Pollution)

Supplementary Planning Documents and Guidance (SPD's and SPG's) and interim planning guidance

Parking Supplementary Planning Document 2018
Housing Supplementary Planning Document 2018
Landscape, Biodiversity and Trees Supplementary Planning Document 2018
Design and Sustainability Supplementary Planning Document 2018
Planning Obligations for Infrastructure Supplementary Planning Document

Other material documents

The Community Infrastructure Levy Regulations 2010 (as amended)

Description of Site

The application site is 0.24ha and was part of a former agriculture holding which has ceased use. The site has been left, with long grass and old outbuildings defining the current nature of the site. The site sits at a lower ground level than the adjacent road, with the boundary treatment screening the building and wider area from view. An existing agricultural access provides a vehicle entrance to the barn and the surrounding land.

Proposal

The proposal seeks to convert the onsite barn to a two-bedroom dwelling with associated access and landscaping.

The proposed drive and access would utilise the existing gated entrance onto the Newtown Common. The dwelling would seek to utilise the current barn, with its external appearance retaining an overall agricultural quality. An area surrounding the building is set to be utilised as residential curtilage, for the use as garden and parking.

Consultations

Newtown Parish Council – Objection

- The site is in the location as the previous applications for White Cottage, Castle Cottage and Newtown Court Farm. The Parish must therefore oppose the application for the same reasons that it opposed the cited other applications.
- In mitigation, this site may qualify as previous development land, and the location is unlikely to interfere with or overlook neighbouring properties.

Waste – No objection

Highways – No objection subject to conditions - standing advice is applicable

Public Observations

Five letters of support have been received, raising the following matters:

- Would turn an under used agricultural building into a small house.
- In keeping with the surrounding area and fulfilling a local need.
- Sustainable use of common land.
- Invisible from the road.

- Improving the general aspect of the site.
- The proposal is single storey, unobtrusive and will not impact on neighbouring properties.
- Applicant lives in the local community.
- Concern with access onto the highway. Although it appears that the landscaping design would ensure a good level of visibility.

Relevant Planning History

None

Assessment

Principle of development

Planning law requires that applications for planning permission must have regard to Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan for the area is the Basingstoke and Deane Local Plan 2011-2029. At a national level, the National Planning Policy Framework (NPPF) constitutes guidance which the Local Planning Authority (LPA) must have regard to. The NPPF does not change the statutory status of the development plan as the starting point for decision making, but is a material consideration in any subsequent determination

Housing Land Supply

The NPPF requires Local Planning Authorities to identify a five year supply of specific deliverable sites to meet housing needs. At the current time the council is unable to demonstrate that it has 5 years' worth of deliverable sites. This means that policies relating to housing delivery in the borough's adopted Local Plan and made Neighbourhood Plans are currently considered to be out of date. Planning applications will therefore be considered in line with paragraph 11(d) of the NPPF which states that where relevant policies are considered out of date permission will be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Local Plan

The site is located outside of any Settlement Policy Boundary (SPB) and is within part of the borough which is designated as countryside as per Policy SS1 (Scale and distribution of new housing) of the Local Plan. The Local Plan (paragraph 4.70) is explicit in its aims 'to direct development to within the identified Settlement Policy Boundaries and specific site allocations. Within the countryside it is the intention to maintain the existing open nature of the borough's countryside, prevent the coalescence of settlements and resist the encroachment of development into rural areas. The countryside is therefore subject to a more restrictive policy'.

Policy SS1 sets out a spatial strategy for the Local Authority to meet its full housing need over the Plan period. The strategy is principally based upon the development of allocated Greenfield sites and the redevelopment of land in the towns and villages. Development in the countryside is generally restricted. The most relevant Local Plan policy for the proposal is Policy SS6 (New Housing in the Countryside) which sets out the exceptional circumstances where it is appropriate to allow new housing development in the countryside. Policy SS6

states that development in the countryside will only be permitted if the site is a) on previously developed land; b) is part of a rural exception scheme; c) is for the re-use of an existing building; d) involves the replacement of an existing dwelling; e) is small scale to meet a locally agreed need; f) is required to support an existing rural business; g) or is allocated by a Neighbourhood Plan.

The application proposal relates to the conversion of an existing building, which according to the submission, is redundant and disused. As such criteria c) is most relevant.

Policy SS6c) permits new housing in the countryside where:

"c) for the re-use of a redundant or disused permanent building provided that the proposal:

iv) does not require substantial rebuilding, extension or alterations; and

v) does not result in the requirement for another building to fulfil the function of the building being converted; and

vi) leads to an enhancement to the immediate setting".

The tests in Policy SS6(c) are in two parts. The first part (c) sets out the overall limits of the exception whilst the second part (criteria iv - vi) then sets out detailed criteria for proposals that are within that exception. Therefore, a proposal that can satisfy the first part of criterion c) will fall within the exception as a matter of principle, but the specific details then need to be considered in terms of the criteria of the second part of the policy. A proposal that does not satisfy the exception will not be policy compliant even if it might otherwise comply with the detailed criteria (iv – vi).

In terms of the first part (c), the application seeks to convert an existing agricultural building. The planning statement sets out that the barn was part of a larger smallholding that was run by the applicants, with the barn being utilised for agriculture storage purposes in the 1980's. The building has now become redundant as the smallholding has diminished and the barn is no longer fit for modern agricultural practices due to its size and its inability to accommodate larger machinery. Following a site visit, it was clear that the site was no longer being actively used as part of a smallholding, and it's use as an agricultural building had ceased. The land surrounding the building appeared untouched, and there was no clear evidence of frequent or recent use. The council has no evidence to the contrary of the statements provided and therefore it is considered that the proposal meets the first part of criteria (c) and the development is therefore acceptable in principle, subject to compliance with the detailed criteria (iv – vi).

Criterion (iv)

A Structural Report was submitted in support of the application, which included an assessment by a structural surveyor and structural calculations. The report states that the building is of sound construction and in good overall condition. The report confirms that the structural elements of the building are suitable for the proposed conversion without extensive alterations or major rebuilding and concludes that the existing structure is capable of supporting the loads from a residential conversion without modification. On the basis of the information submitted, it is considered that the existing barn is capable of conversion and would comply with criterion (iv).

Criterion (v)

Owing to the fact that the smallholding no longer operates from the site and the scale of operations have been reduced, it has been confirmed that there is no need to replace the existing building on the site. Furthermore, it has been confirmed that the modern storage needs of the applicants have been met within the wider landholding. The Council is satisfied that a replacement structure will not be required to support the re-use of the building and as such criterion (v) has been met.

Criterion (vi)

The application site is currently formed by a collection of old agricultural vehicles, sheds and greenhouse which are proposed to be removed as part of the scheme. In general terms, this will lead to a small enhancement to the local character of the area, as the site becomes decluttered.

The general character of the local area is defined by low density and a somewhat random scattering of dwellings. As such, in this context, the conversion of the building to a dwelling would be in keeping and tie into the natural pattern of development. The scheme is low key in nature, utilising an old building with the associated curtilage limited in size. It is considered that the change of use of the building and the site would lead to a small enhancement to the immediate setting of the site. Furthermore, it is considered through the use of a landscape condition, the proposal and the wider site could be further enhanced through the planting of vegetation in keeping with the rural context of the site. In summary, it is considered that the proposal would accord with Policy SS6 criterion (c).

As mentioned above, the Local Planning Authority is unable to demonstrate a 5-year housing land supply therefore Policy SS6 is considered out of date as it relates to housing delivery. An assessment of the development in light of this, and the balance required by paragraph 11(d) of the NPPF will be given in the 'Planning Balance and Conclusion' section of this report.

Affordable Housing

Local Plan Policy CN1 requires the provision of 40% affordable housing as part of new residential development with a tenure split of 70% rented and 30% intermediate products. Whilst the requirements of the Local Plan are acknowledged, the Council is additionally mindful of the more recent guidance contained within paragraph 63 of the NPPF which sets out that the 'provision of affordable housing should not be sought for residential development that are not major development...'. The NPPF provides a definition for 'major development' within the glossary at Annex 2. This states that in regards to residential development, major development is "where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more". The application site measures 0.24ha thus does not exceed the threshold in this regard.

Housing Mix

Policy CN3 requires developments for market housing provides a range of house types and sizes to address local requirements, with the mix being appropriate to the size, location, density and character of the site and surrounding area. Given the small scale of the scheme, which proposes one dwelling, with 2 bedrooms, no objection is raised to the mix provided.

Impact on the character of the area/ design

The character of the local area is defined by low density and a scattering of dwellings, although within the immediate locality there are a number of residential dwellings, on both sides of the highway.

The proposal seeks to utilise an existing agricultural building with the development making a small number of alterations to the structure. This would include the formation of domestic windows, door and roof lights. However, the simple and low profile nature of the building would be retained and the development would utilise render blockwork with timber boarding walls whilst also retaining the existing profile sheeting roof. The material pallet and scale of the property would enable the development to retain its recessive character and its

integration with the surrounding area.

Due to the location of the site, set on lower topography than the adjacent road, and the retention of the site's mature hedge boundary treatment, it is noted that the development would not be highly visible from the surrounding public vantage points. The application has also been modified, to minimise the extent of the curtilage associated with the dwelling, this will ensure that domestic paraphernalia does not creep into the surrounding rural landscape. It is also considered that due to the size of the site, a large amount of landscaping could be included to help further mitigate the presence of the dwelling. It is recommended that further landscaping details are secured via condition. It is noted that some hedging is set to be removed to enable the provision of improved visibility splays. It is considered important to replace the removed hedging and further details should be secured as part of the landscape condition.

On the basis of the above, the size, siting and design of the proposed dwelling is considered to be appropriate and would not dominate or detract from the visual amenities of the area, or the character and appearance of the surrounding area. The development would conserve the landscape character of the area. As such the proposal complies with Policies SS6 and EM10 of the Basingstoke and Deane Local Plan 2011-2029. Details of the materials, new landscaping and boundary treatments would be secured by conditions.

Trees

Policy EM1 of the Local Plan requires that development proposals must respect, enhance and not be detrimental to the character or visual amenity of the landscape likely to be affected, paying particular regard to b) the visual amenity and scenic quality and e) trees, ancient woodland and hedgerows.

Given the proximity of the proposal to boundary trees, a tree protection plan is considered to be required to ensure that during the conversion works the trees on site are protected from accidental damage. No additional footing or additional built form is to be included, and therefore it is reasonable to secure these details via a condition.

Impact on neighbouring amenities

The application site is situated on the western side of Newtown Common Road, and shares a boundary with one other dwelling, Woodcote. A number of residential dwellings are situated on the eastern side of the road, however, given the natural topography of the area and the separation distances between the site and these properties it is not considered that the proposal would give rise to any amenity impacts upon these dwellings.

The closest residential dwelling, as named above is Woodcote. This dwelling is located to the south-east. Given the intervening vegetation, location of the built form and the separation distance involved (25m), it is not considered that the change of use of the building would give rise to a harmful amenity impact to this dwelling.

Amenities of the proposed dwelling

Section 10 of the Design and Sustainability Supplementary Planning Document 2018 sets out that:

- New housing development should provide a suitable outlook and level of natural light for both new and neighbouring dwellings
- Dwellings should have sufficient daylight to allow the comfortable use of habitable rooms including living rooms, dining rooms, bedrooms and kitchens
- Residents should also be able to enjoy an outlook of good quality from these rooms and spaces without adjacent buildings being overbearing.

The positioning of openings within the proposed dwelling would result in satisfactory amenity levels for the proposed future occupiers of the dwelling. This is due to the provision of habitable room windows for adequate natural light and outlook in line with Section 10. In addition, the shape and size of private amenity space to serve the dwelling is considered to be sufficient to meet the recreational and domestic needs of future occupants in line with section 10.

Parking

- Parking and access

The proposed 2-bedroom dwelling would generate a parking demand of 2 spaces as the site lies within a rural location for the purposes of the Parking Supplementary Planning Document (2018). The proposal includes the provision of an extensive driveway and an area to park 2 vehicles. It is noted that there would be sufficient space within the site for the parking and turning of more than the required 2 vehicles, as shown on the proposed site plan. Therefore the proposal is acceptable in terms of parking provision. It is recommended that the provision of parking is secured via a planning condition.

The potential traffic generation from the development (one dwelling) is also considered acceptable and would not give rise to severe detrimental impact on the operation and safety of the local highway network. It is proposed to utilise the existing access. The highways officer has raised no objection to the access and confirms that the visibility splays are appropriate for the prevailing speed limits of the road.

It is recommended that conditions are imposed to ensure that the runoff from the permeable access surface drains within the curtilage of the site, the visibility splays remain clear of obstacles, and that a non-migratory surface is used adjacent to the highway.

- Cycle Storage

In accordance with the Parking SPD, a dwelling of this size should provide for the long-term storage of at least 3no. cycles (2no long term and 1no short term). Although not specifically marked out on the submitted plans, it is considered there would be sufficient space within the site to meet this requirement. As such, details of this provision are secured by condition.

Waste

Basingstoke and Deane Borough Council operates a kerbside waste collection service. This is operated via wheeled containers which must be left adjacent to the nearest adopted highway for collection on the specified waste collection. The proposed development will be required to leave wheeled containers adjacent to the highway for collection on the specified collection day and removed from the highway and returned back to the property as soon as possible following collection.

In accordance with Appendix 3 of the Design and Sustainability SPD, the proposal should be provided with space for the storage of 1no. 240 litre waste bin, 1no. 240 litre recycling bin and 1no recycling container for glass. Although not specifically marked out on the submitted plans, it is considered that there would be sufficient space about the site to meet this requirement. As such these details should be secured by condition.

Biodiversity

The Council has a duty under the Natural Environment and Rural Communities Act 2006 to have full regard to the purpose of conserving biodiversity which extends to being mindful of the legislation that considers protected species and their habitats and to the impact of the development upon sites designated for their ecological interest. These requirements are also reflected within the NPPF (paragraph 175) and Policy EM4 of the Local Plan.

Policy EM4 establishes that proposals will only be permitted where significant harm to biodiversity can be avoided or adequately mitigated unless there is a demonstrated overriding public need. The policy also seeks to provide for biodiversity enhancements within the new development.

The Biodiversity Officer raises no objection to the scheme in relation to the impact of the development on protected species. The application is supported by a Protected Species Survey and Mitigation report produced by Malford Environmental Consulting dated 2/8/2021. The buildings onsite were assessed as having negligible potential for roosting bats, with no further surveys or mitigation measures proposed. Furthermore, the site was considered unsuitable for ground nesting birds, however appropriate mitigation is being proposed as a precautionary approach. With regards to other species, the site was not considered to contain any legally protected species. The proposal is set to include a number of site enhancements, including bat and bird boxes. Therefore, subject to the recommendations and procedures set out within Chapter 5, Mitigation and Enhancement, of the Protected Species Survey and Mitigation the proposal would accord with Policy EM4 of the Local Plan.

Drainage and Flooding

Policy EM7 (Managing Flood Risk), the NPPF, and National Planning Practice Guidance, require new development to be directed away from the areas that are at the highest risk of flooding, or alternatively demonstrated to be flood resilient and resistant, to include safe access and egress, without increasing residual flood risk elsewhere.

The Environment Agency Flood Risk Maps position the site as falling within Flood Zone 1 giving the site a low risk of flooding (less than 1 in 1000 annual probability) and considers that the site to be at low risk of surface water flooding. Due to the location, and with the site area sitting under 1ha in size, there has not been a requirement to accompany the application with any flood risk assessment.

The development would therefore accord with Policy EM6 and EM7 of the Local Plan and Section 14 of the NPPF

Sustainable water use

Policy EM9 of the Local Plan sets out that development for new homes will need to meet a water efficiency standard of 110 litres or less per person per day, unless clear demonstration is given that this would not be feasible. It is considered appropriate that this requirement be secured by way of an appropriate condition.

Environmental Health

The NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing development from contributing to or being put at risk from unacceptable levels of pollution. Local Plan Policy EM12 also seeks to protect health and the natural environment from polluting effects as a result of existing, historic or nearby land uses and activities.

Given the nature and historic use of the site, it is unlikely that the development would encounter contamination of the soils/ground. However, it is recommended that an informative

is attached providing advice as to what should be done in the event discoloured and/or odorous soils are encountered during foundations and other excavation works; or if any hazardous materials (including asbestos) or significant quantities of made ground be found.

A Contaminated Land Officer has reviewed the application and it was apparent that the roof of the buildings subject to the application may be comprised of corrugated cement sheeting which is likely to be an asbestos-containing material. This material will need to be dealt with in accordance with current regulations. Any asbestos roofing/cladding will need to be surveyed, identified and correctly disposed of. An informative has been attached to the decision highlighting the legal requirement for removing asbestos.

The Environmental Health Officer (EHO) has also recommended conditions relating to the restrictions of construction hours due to the proximity of other residential units. As such, a planning condition limiting the hours of work is recommended.

With the addition of the recommended conditions and informative, it is considered that the proposal would accord with Policy EM12 of the Local Plan.

Community Infrastructure Requirements

Basingstoke and Deane Borough Council implemented its Community Infrastructure Levy (CIL) on the 25th June 2018. The required forms have been submitted for CIL contributions to be calculated if applicable. From these forms, it would appear that the development would be CIL liable, but would attract a £nil charge in line with the Council's Charging Schedule.

Conclusion and Planning Balance

The principle of the conversion of a barn to a single dwelling in the countryside is allowed for within the development plan. In this instance, the proposed development would accord with Policy SS6 (c), which permits new housing in the countryside through the re-use of a redundant or disused permanent building.

Notwithstanding that the principle of development complies with the policies contained within the development plan, as set out above, the council cannot currently demonstrate a deliverable five year supply of housing (with 5% buffer required due to the Housing Delivery Test results). Policy SS6 is therefore out of date as it relates to the supply of housing. The application must therefore be considered in accordance with paragraph 11(d) of the NPPF which states that where relevant policies are considered out of date permission will be granted unless the application of policies in the Framework that protected areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. There are no protected areas or assets relevant to this application.

Paragraph 79 of the NPPF identifies that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality or rural communities, and paragraph 80 advises that local planning authorities should avoid the development of isolated homes in the countryside. Given the siting within an area considered in close proximity to other residential development, it is considered that the proposal is not an isolated form of development, and would therefore contribute to the vitality of a rural community, and would therefore accord with paragraph 79-81 of the NPPF.

The siting of the dwelling would largely accord with the established pattern of development within the area and the scale, mass and appearance of the proposed dwelling would fit in with the character and appearance of the surrounding area. This development would therefore accord with the requirement of Local Plan Policy EM10 and the guidance contained

with the Design and Sustainability SPD in this regard. There would be no harm from the development in these respects.

It is also acknowledged that the proposal would make a modest contribution to the Council's 5 year housing land supply, although this is of very limited weight in the overall balance. There would also be a limited social and economic benefit resulting from the construction of the new property and its subsequent occupation.

The development would meet the relevant sections of the NPPF whereby no demonstrable harm would be presented by the development that would outweigh the benefits assessed above. The proposed development accords with the NPPF paragraph when assessed against the policies in the Framework taken as a whole.

Conditions

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

Proposed Floor and Roof Plans, Elevations and section – Drawing No: 20112 - 102A
Site Location and Block Plan – Drawing No: 20112.100B

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

2. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

3. No development above damp proof course shall commence on site until a schedule of materials and finishes to be used for the external walls and roof(s) of the proposed building(s) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the details so approved.

REASON: Details are required because insufficient information has been submitted with the application in this regard, in the interests of the visual amenities of the area and in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

4. No development above damp proof course shall commence on site until details of the materials to be used for hard and paved surfacing have been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall be completed before the dwelling is first occupied and thereafter maintained.

REASON: Details are required because insufficient information has been submitted with the application in this regard, in the interests of the visual amenities of the area and in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

5. The development hereby permitted shall not be occupied until the vehicle parking has been constructed, surfaced and marked out in accordance with the approved details (Site Location and Block Plan – Drawing No: 20112.100B) and thereafter be retained and maintained in perpetuity.

REASON: In the interests of highway safety and in accordance with Policies EM10 and CN9 of the Basingstoke and Deane Local Plan 2011-2029.

6. The dwelling hereby approved shall not be occupied until details indicating 2 long term and 1 short term secure cycle parking storage for the proposed dwelling have been submitted and approved and the development shall be maintained in accordance with the approved details.

REASON: No details have been provided in this regard in accordance with Policy CN9 and EM10 of the Local Plan.

7. The dwelling hereby approved shall not be occupied until all areas indicated to be used for vehicles and pedestrians on the approved plan have been laid out with a drained surface. Provision shall be made to direct run-off water from the surface to a permeable or porous area or surface within the curtilage of the development. Such areas shall be retained as such for the lifetime of the development.

REASON: To ensure adequate provision for surface water drainage and in the interests of highway safety.

8. The dwelling hereby approved shall not be occupied until the means of vehicular access to the site shall be constructed in accordance with the approved plan (Drg No.20112.100B) and no structure, erection or planting exceeding 1.0m in height shall thereafter be placed within the visibility splays shown on the approved plans.

REASON: To provide and maintain adequate access and visibility in the interests of highway safety in accordance with Policy CN9 and EM10 of the Basingstoke and Deane Local Plan 2011-2029.

9. Prior to the first occupation the site access shall be constructed with a non-migratory surface material for a minimum distance of 6m measured from the nearside edge of the carriageway on the adjacent highway and will be maintained in that condition thereafter.

REASON: In the interests of highway safety in accordance with Policy CN9 and EM10 of the Basingstoke and Deane Local Plan 2011-2029.

10. No development above slab level shall take place on site until details of waste storage and collection points have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the first occupation of the development and shall thereafter be maintained.

REASON: In the interests of amenity and highway safety in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

11. The proposed development shall be carried out in line with recommendations and procedures contained within Chapter 5 Mitigation and Enhancement of the Protected Species Survey and Mitigation by Malford Environmental Consulting dated 2/8/2021.

REASON: In order to prevent impacts on key species including nesting birds and hedgehogs and provide enhancements for biodiversity in line with Policy EM4 of the Basingstoke and Deane Local Plan 2011-2029.

12. No development (excluding demolition) shall commence on site until a Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. The approved tree protection shall be erected prior to any site activity

commencing and maintained until completion of the development. No development or other operations shall take place other than in complete accordance with the Tree Protection Plan.

REASON: To ensure that reasonable measures are taken to safeguard protected/important landscape trees in the interests of local amenity and the enhancement of the development itself, in accordance with Policies EM1 and EM10 of the Basingstoke and Deane Local Plan 2011-2029

13. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted (including replacement trees where appropriate). This shall include details of the replacement planting of the hedgerow adjacent to the highway, the planting of which shall include native species. The works approved shall be carried out in the first planting and seeding seasons following the first occupation of the building or when the use hereby permitted is commenced. In addition, a maintenance programme detailing all operations to be carried out in order to allow successful establishment of planting, shall be submitted to and approved in writing by the Local Planning Authority before development commences. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, to be agreed in writing by the Local Planning Authority.

REASON: Details are required prior to commencement because insufficient information has been submitted with the application in this regard, to improve the appearance of the site in the interests of visual amenity in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

14. In order to protect neighbouring residents from prolonged disturbance, No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or operation of machinery or fitting out, shall take place before the hours of:

0730 - 1800 Monday to Friday,
0800 - 1300 Saturdays
not on Sundays or recognised public holidays

REASON: To protect the amenities of the occupiers of nearby properties during the construction period and in accordance with Policies EM10 and EM12 of the Basingstoke and Deane Local Plan 2011-2029.

15. Within 3 months of the date of commencement a Construction Statement detailing how the new homes shall meet a water efficiency standard of 110 litres or less per person per day has been submitted to and approved in writing by the Local Planning Authority, through a demonstration that this requirement for sustainable water use cannot be achieved on technical or viability grounds. The development shall be carried out in accordance with the approved details.

REASON: In the absence of such details being provided within the planning submission, details are required to ensure that the development delivers a level of sustainable water use in accordance with Policy EM9 of the Basingstoke and Deane Local Plan 2011-2029.

Informative(s):-

1. 1.1 The applicant's attention is drawn to the fact that the above conditions (if any), must be complied with in full, failure to do so may result in enforcement action being instigated.

1.2 This permission may contain pre-commencement conditions which require specific matters to be submitted and approved in writing by the Local Planning Authority before a specified stage in the development occurs. This means that a lawful commencement of the approved development CANNOT be made until the particular requirements of the pre-commencement conditions have been met.

1.3 The applicant's attention is drawn to the fact that the Local Planning Authority has a period of up to eight weeks to determine details submitted in respect of a condition or limitation attached to a grant of planning permission. It is likely that in most cases the determination period will be shorter than eight weeks, however, the applicant is advised to schedule this time period into any programme of works. A fee will be required for requests for discharge of any consent, agreement, or approval required by a planning condition. The fee chargeable is £116 or £34 where the related permission was for extending or altering a dwelling house or other development in the curtilage of a dwelling house. A fee is payable for each submission made regardless of the number of conditions for which approval is sought. Requests must be made using the standard application form (available online) or set out in writing clearly identifying the relevant planning application and condition(s) which they are seeking approval for.

2. In accordance with paragraph 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following positive and creative manner:-

proactively offering a pre-application advice (in accordance with paragraphs 39 - 46);
seeking further information following receipt of the application;

In this instance:

the applicant was updated of any issues after the initial site visit;

In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.

3. The Borough Council declared a Climate Emergency during 2019 formally making this declaration at the meeting of Cabinet in September 2019. This recognises the need to take urgent action to reduce both the emissions of the Council's own activities as a service provider but also those of the wider borough. In this respect, the Council is working with consultants at present to identify appropriate actions to achieve the targets that have been set. Beyond the requirements of any conditions that may be applicable to this planning permission and the current planning policy framework, the applicant is encouraged to explore all opportunities for implementing the development in a way that minimises impact on climate change. Where this in itself might require separate permission applicants can contact the council for advice through the following link: <https://www.basingstoke.gov.uk/before-making-a-planning-application>. For information more generally on the Climate Emergency please visit: <https://www.basingstoke.gov.uk/climateemergency>.
4. The planning permission does not authorise the undertaking of any works within the highway (carriageway, footway or verge). A license/permit should be obtained from Hampshire County Council at Hampshire County Highways, Jacobs Gutter Lane, Totton, Southampton, Hampshire, SO40 9TQ. Tel: 0845 603 5633. Email: roads@hants.gov.uk. Website: www.hants.gov.uk/highways



Neutral Citation Number: [2016] EWHC 2832 (Admin)

Case No: CO/1001/2016

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 10/11/2016

Before :

MR JUSTICE GARNHAM

Between :

Michael Mansell
- and -
Tonbridge & Malling Borough Council

Claimant

Defendant

Ms Annabel Graham Paul (instructed by **Richard Buxton Environment & Public Law**) for
the **Claimant**

Mr Juan Lopez (instructed by **Tonbridge & Malling Borough Council**) for the **Defendant**

Hearing dates: 25 October 2016

Approved Judgment

THE HONOURABLE MR JUSTICE GARNHAM:

Introduction

1. On 7 January 2016, Tonbridge & Malling Borough Council (“the Council”) granted planning permission to Croudace Portland for the erection of four residential dwellings and associated access, parking and landscaping on land at Rocks Farm, The Rocks Road, East Malling in Kent. The decision to grant planning permission was made by the members of the Council’s Area 3 Planning Committee at a planning committee meeting on 7 January 2016, with an effective date of 13 January 2016. In reaching that decision, members of the committee were advised by an officer’s report which recommended approval.
2. Croudace Portland and East Malling Trust, the present owners of the site, are interested parties in these proceedings. The Defendant is the Council. The application is brought by Michael Mansell who lives in a listed property next door to the site in respect of which planning permission was granted. Before me, Mr Mansell was represented by Ms Annabel Graham Paul and the Council by Mr Juan Lopez. The interested parties were not represented. I record here my gratitude for the clear and helpful submissions, both written and oral, advanced by both counsel.

The Factual Background

3. The site of the proposed development is in land to the south east of East Malling village. The land is designated in the local plan as “countryside”, and the village is designated as an “other rural settlement”. Part of the village is a designated conservation area. The Claimant’s property, which lies at the border of the conservation area, is grade 2 listed. It dates from 1507.
4. The development is for four five bedroomed houses, each served by a double garage or car barn with parking for four cars. The development site is presently part of an agricultural holding comprising a large agricultural building of some 600m² and a residential bungalow used by a caretaker. The agricultural building has in the past been used as an apple store. I was told that the building remains in use. The development contemplates that both buildings would be demolished. The site is owned by the East Malling Trust. The intention is that it will be sold to the Applicant for planning permission, namely Croudace Portland.
5. A report was prepared for the planning committee by (or on behalf of) the Council’s Director of Planning, Housing and Environmental Health (hereafter “the Officer”). The report runs to some eighteen pages. The report explains that the reasons for reporting to the committee were first the fact that the development involved “*departure from the adopted development plan*” and second because of high levels of local interest. The report described the site and the relevant planning history, which was limited to the grant of planning permission for the building of the bungalow in 1957, and a summary of the consultation.
6. Part 6 of the report contains the operative discussion by, and advice from, the Officer to the committee. The section began by reminding members that as the local planning authority the Council was required to determine planning applications in accordance with the Development Plan in force unless material considerations indicate otherwise.

The report went on to note that the application site was open countryside, outside the village settlement confines of East Malling and that accordingly identified restrictions applied to such development. I will need to return to consider in a little detail the advice contained in Part 6 of the report. For the present, however, it is convenient simply to note that the report concluded with the following observations:

“6.42 ...it is important to understand that the starting point for the determination of this planning application rests with the adopted Development Plan. Against that starting point there are other material planning considerations that must be given appropriate regard, not least the requirements set out within the NPPF which is an important material consideration and the planning and design of the proposal for the site in the context of the permitted development fall back position. The weight to attribute to each of those other material planning considerations, on an individual and cumulative basis, and the overall balance is ultimately a matter of judgement for the Planning Committee. My view is that the balance can lie in favour of granting planning permission.”

7. On 7 January 2016 a supplementary report was produced by the Officer and a recommendation, amended as to matters of detail, was made. Later that day the Area 3 committee resolved that the application be approved in accordance with the main and supplementary reports of the Officer.
8. A pre-action protocol letter was sent on behalf of the Claimant on 10 February 2016. A response was sent on 22 February 2016 and these proceedings were commenced on 23 February 2016.

The Legal Framework

9. Central to this challenge are criticisms of the Officer’s main report to the planning committee, seen in the light of national and local planning policy. There was no dispute between the parties as to the relevant legal principles to be applied in considering such a challenge.
10. Those principles are conveniently set out in the judgment of Hickinbottom J in R (on the application of Zurich Assurance Ltd) v North Lincolnshire Council [2012] EWHC 3708). At paragraph 15 of that judgment Hickinbottom J said the following:

“15. Each local planning authority delegates its planning functions to a planning committee, which acts on the basis of information provided by case officers in the form of a report. Such a report usually also includes a recommendation as to how the application should be dealt with. With regard to such reports:

i) In the absence of contrary evidence, it is a reasonable inference that members of the planning committee follow the

reasoning of the report, particularly where a recommendation is adopted.

ii) When challenged, such reports are not to be subjected to the same exegesis that might be appropriate for the interpretation of a statute: what is required is a fair reading of the report as a whole.

Consequently:

“[A]n application for judicial review based on criticisms of the planning officer's report will not normally begin to merit consideration unless the overall effect of the report significantly misleads the committee about material matters which thereafter are left uncorrected at the meeting of the planning committee before the relevant decision is taken” (Oxton Farms, Samuel Smiths Old Brewery (Tadcaster) v Selby District Council (18 April 1997) 1997 WL 1106, per Judge LJ as he then was).

iii) In construing reports, it has to be borne in mind that they are addressed to a “knowledgeable readership”, including council members “who, by virtue of that membership, may be expected to have a substantial local and background knowledge” (R v Mendip District Council ex parte Fabre (2000) 80 P & CR 500, per Sullivan J as he then was). That background knowledge includes “a working knowledge of the statutory test” for determination of a planning application Oxton Farms, per Pill LJ).

16 The principles relevant to the proper approach to national and local planning policy are equally uncontroversial:

i) The interpretation of policy is a matter of law, not of planning judgment (Tesco Stores Ltd v Dundee City Council [2012] UKSC 13).

ii) National planning policy, and any relevant local plan or strategy, are material considerations; but local authorities need not follow such guidance or plan, if other material considerations outweigh them.

iii) Whereas what amounts to a material consideration is a matter of law, the weight to be given to such considerations is a question of planning judgment: the part any particular material consideration should play in the decision-making process, if any, is a matter entirely for the planning committee (Tesco Stores Ltd v Secretary of State for the Environment [1995] 1 WLR 759 at page 780 per Lord Hoffman).”

11. The first of the claimant's grounds of challenge concerns a concept in planning law known as "fall back position". Because such a comparison may be a material consideration, a planning committee will often compare, on the one hand, the developments for which planning permission is sought, with, on the other, what the applicants could do with the land and premises without the permission.
12. The provision governing what the applicants could do with this land at these premises without planning permission is the Town and County Planning (General Permitted Development) (England) Order 2015 (the "2015 GPDO").
13. Paragraph 3 of the 2015 Order provides, at subparagraph (1), that "*planning permission is ... granted for the classes of development described as permitted development in Schedule 2.*" Part 3 of Schedule 2 identifies a number of classes of permitted development. Class Q permits certain development in respect of agricultural buildings.
14. Class Q provides that permitted development is

"development consisting of (a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order and (b) building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3..."
15. Paragraph Q.1 provides that

"development is not permitted by Class Q if... the cumulative floor space of the existing building or buildings changing use under Class Q within an established agricultural unit exceeds 450sqm."
16. It is also material to note that subparagraph (h) provides that

"the development under Class Q (together with any previous development under Class Q) would result in a building or buildings having more than 450sqm of floor space having a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order..."
17. It is common ground between the parties that the relevant legal principles relating to fall back were set out in R v Secretary of State for the Environment and Havering BC [1998] EnvLR189. In that case Mr Lockhart-Mummery QC, sitting as a Deputy High Court Judge, accepted submissions that there were three elements to the fall back test:

"First whether there is a fall back use, that is to say whether there is a lawful ability to undertake such a use; secondly, whether there is a likelihood or real prospect of such occurring. Thirdly if the answer to the second question is

“yes” a comparison must be made between the proposed development and the fall back use.”

The Relevant National Guidance

18. At the relevant time the national planning policy was contained in a document called the National Planning Policy Framework (‘NPPF’).
19. Paragraph 7 of the NPPF asserts that there are three dimensions to sustainable development: economic, social and environment. Paragraph 11 provides that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Paragraph 14 provides (as far as is material):

“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision taking...

For decision taking this means

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out of date granting permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted.”*

20. Paragraph 49 and 50 of the NPPF provide as follows:

“49. Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

50. To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- *plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such*

as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);

- *identify the size, types, tenure and range of housing that is required in particular locations, reflecting local demand; and*
- *where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.”*

21. Paragraph 55 provides as follows:

“55. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as: ...”

The Competing Arguments

22. Ms Annabel Graham Paul, for the Claimant, advances four arguments. First she says that the Defendant Council adopted an unlawful approach to “fall back”. In particular, she says that they erred in finding that the existing agricultural building could be converted into three dwellings under permitted development rights. That argument turns first, on the proper construction of Class Q, of Part 3 of Schedule 2 of the 2015 GPDO, a provision that provides for permitted development in the case of agricultural buildings, and second, on the question whether the Council erred in concluding that there was more than a theoretical possibility of implementing a lawful fall back.
23. Ms Graham Paul’s second ground is that the Council adopted an unlawful approach to the NPPF. In particular, she says that the Council provided no basis for finding that the up-to-date development plan was in any way inconsistent with the policies in the NPPF and that the officer’s reliance on the NPPF was insufficiently reasoned.
24. Third, Ms Graham Paul contends that the Council failed properly to consider the effects of the development on listed buildings and the Conservation Area. Finally,

she argues that there was a failure properly to consider whether the planning committee lacked jurisdiction to determine the application. Resolving that ground will necessitate consideration of the constitution of the Council committees.

25. In response, Mr Lopez, on behalf of the Defendant argues that the Defendant's interpretation of the 2015 Order was correct. He says, furthermore, that the Council was entitled to conclude that the fall back suggestion was realistic and that that is sufficient to make fall back a material consideration.
26. As to ground 2, Mr Lopez argued that the officer's approach to the NPPF was entirely proper. As to ground 3, he says that the Claimant's criticism '*defies all practical reality*' and amounts to an '*impermissible challenge...to planning judgment*'. As to the jurisdiction challenge, the Defendant asserts that the question whether the development is '*in fundamental conflict with the development plan*' was a matter of planning judgment and that the decision in this regard could not fairly be characterised as irrational.

Discussion

Ground 1 – Fall back

27. The Officer addressed the question of "fall back" at paragraphs 6.14 to 6.16 of his report:

"6.14 In practical terms for this site, the new permitted development rights mean that the existing agricultural barn could be converted into three residential units. Some representations point out that only a proportion of the barn could be converted in such a manner (up to 450sqm) but the remainder – a small proportion in terms of the overall footprint – could conceivably be left unconverted and the resultant impacts for the site in terms of the amount of residential activity would be essentially the same. The building could be physically adapted in certain ways that would allow for partial residential occupation and the extensive area of hardstanding which exists between the building and the northern boundary could be used for parking and turning facilities.

6.15 The existing bungalow within the site could be replaced in accordance with policy CP14 with a new residential building provided that it was not materially larger than the existing building. Such a scenario would, in effect, give rise to the site being occupied by a total of four residential units albeit of a different form and type to that proposed by this application. This provides a realistic fall back position in terms of how the site could be developed.

6.16 I appreciate that discussion concerning realistic 'fall back' positions is rather complicated but, in making an assessment of any application for development, we are bound to consider what the alternatives might be for a site: in terms of

what could occur on the site without requiring any permission at all (historic use rights) or using permitted development rights for alternative forms of development.”

28. Ms Graham Paul argues that the officer erred in that approach. She says that the Council’s analysis falls at both the first and the second of the two hurdles. She says that permitted development under the 2015 Order would not be such as to permit the conversion of this agricultural building into three homes in the manner envisaged by the Officer. And she argues that it is not been shown that there was any real prospect of such a conversion occurring.
29. Critically, Ms Graham Paul contends that the restriction to 450sqm in subparagraph (b) applies to the floor space of the whole of the existing building in respect of which development is contemplated. She says that the proper construction involves identifying the whole building in respect of there is to be any change of use and then adding up the floor space of that existing building. The result must then be less than 450sqm. She says that interpretation is supported by the inspector’s decision in a case called Mannings Farm. In that case, the inspector said the following:

“9. The floor space of the existing building...far exceeds the maximum permitted threshold, of 450sqm, as set out in Q.1(b). I note the intention is to reduce the size of the building as part of the proposal but Q.1(b) clearly relates to existing floor space and there is no provision in the GPDO for this to be assessed on any other basis.”

30. In my judgment this construction of paragraph Q.1(b) fails because it disregards the definition section of the Order. The critical expression in subparagraph (b) is “*the existing building or buildings*”. Paragraph 2 of the Order defines “*building*” as “*any part of a building*”. Accordingly, the paragraph should be read as meaning “*the cumulative floor space of the existing building or any part of the building changing use...*” If that is right, it is self-evident that the limit on floor space relates only to that part of the building which is changing use.
31. That was also the approach adopted by the Inspector in the case of Agricultural Buildings at Bennetts Lane, Binegar, Somerset. I was shown a number of inspectors’ decisions on this topic but, in my view, it was the Inspector in this case, Mr Rory Cridland, who provided the most thorough analysis of the point. The Inspector said this:

“4. Class Q of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2105 (“the Order”) permits development consisting of a change of use of a building and any land within its cartilage, from a use as an agricultural building to a dwelling house together with building operations reasonably necessary to convert it. However, paragraph Q.1(b) excludes such development where the cumulative floor space of the existing building changing use within an established agricultural unit exceeds 450m². The term “building” is defined by the Order as including “any part thereof”.

5. *The proposal would result in a change of use of part of the existing agricultural building, currently measuring around 960m² of floor space, to a residential dwelling house with a floor space measuring approximately 449m². The appellants propose to demolish the remaining part of the building but retain agricultural use of the land by returning it to pasture. The Council however contend that paragraph Q.1(b) limits such conversions to smaller agricultural buildings which fall below the 450m² threshold.*

6. *Although I acknowledge that the wording of paragraph Q.1(b) of the Order is not explicit on this point, when read in conjunction with the definition of 'building' set out in Article 2(1) of the Order, there is a strong indication that the paragraph permits the part conversion of an agricultural building. This is supported by Planning Practice Guidance (PPG) which states that "the maximum floor space that may be converted is 450m² of floor space of a building or buildings within a single established agricultural unit". As such, I find that paragraph Q.1(b) of the Order allows for the part conversion of an agricultural building provided that total floor space to be converted does not exceed 450m²."*

32. The inspector went on in that decision to refer to correspondence from the Department for Communities and Local Government. I too was shown that correspondence. That correspondence indicates that it is the view of the Department that the reference to "*part of a building*" in the definition section of the Order means that "*in the case of a large agricultural building, part of it could change use...and the rest remain in agricultural use.*"
33. The proper construction of Class Q is plainly a matter for me, but for the reasons set out above my analysis of the relevant provisions coincides with that adopted by Mr Inspector Cridland and that suggested by the Department.
34. Ms Graham Paul contends that that construction of subparagraph (b) means that it adds nothing to subparagraph (h). I can see the force of that submission and, as a matter of first principle, statutory provision should be construed on the assumption that the draftsman was intending to add something substantive by each relevant provision. Nonetheless, giving the interpretation section its proper weight, I see no alternative to the conclusion that Class Q imposes a floor space limit on those parts of the buildings which will change use as a result of the development. In those circumstances, I reject the Claimant's challenge to the Officer's construction of the Class Q provisions in the 2015 Order.
35. Ms Graham Paul's second challenge under this head relates to the requirement that there is more than a theoretical possibility of implementing such a lawful fall back development.
36. In paragraph 6.15 of the report the Officer concluded that the fall back position was "realistic". In my judgment he was entitled so to conclude. The evidence establishes that there had been prior discussions between the Council and the Planning Agent

acting for the East Malling Trust who owns the site. It was crystal clear from that contact that the Trust were intending, one way or another, to develop the site. Alternative proposals had been advanced seeking the Council's likely reaction to planning applications. It is in my view wholly unrealistic to imagine that were all such proposals to be turned down the owner of the site would not take advantage of the permitted development provided for by Class Q to the fullest extent possible.

37. It was not a precondition to the Council's consideration of the fall back option that the interested party had made an application indicating an intention to take advantage of Class Q. There was no requirement that there be a formulated proposal to that effect. The officer was entitled to have regard to the planning history which was within his knowledge and the obvious preference of the Trust to make the most valuable use it could of the site.

38. Ms Graham Paul argues that, whatever the wishes and intentions of the interested party, it would not, in fact, have been possible to convert the agricultural building into residential use simply by reliance on permitted development. She says that if the aim had been to convert the building to three houses, whose total floor area was less than the maximum of 450m², there would have been a significant part of the building unused. She points to paragraph (i) of Class Q which provides as follows:

"Development is not permitted by Class Q if...(i) the development...would consist of building operations other than

I) the installation or replacement of

(aa)windows, doors, roofs, or exterior walls, or (bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwelling house; and

II) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i)..."

39. Ms Graham Paul also points to the need for planning permission if the bungalow on the site was to be converted and if the hardstanding was to be used for parking and the like.

40. However, as Mr Lopez submits, the Council does not have to shut its eyes to the fact that the proposed development might include elements that required planning permission. In fact, Ms Graham Paul conceded that the fact that planning permission for such parts of the development, notably the car parking, could be sought was a legitimate planning consideration. The building could be converted, so as to provide dwelling houses limited in floor space to 450m², by the construction of internal walls without using the whole of the internal space of the barn.

41. In my judgment therefore, it would have been unrealistic to have concluded that, were the present application for permission to be rejected, the interested party would do nothing to develop this site. On the contrary it was plain that development was contemplated and that some development could have taken place pursuant to Class Q. The Council was entitled to have regard to the fact that there might be separate applications for permission in respect of some elements of the scheme and to advise

that appropriate regard must be had to material planning considerations including the permitted development fall back position. Accordingly I reject the second element of the Claimant's challenge on ground 1.

Ground 2 – Unlawful Approach to NPPF

42. Ms Graham Paul accepts that the Council were entitled to have regard to the NPPF but she says that that framework must be interpreted and applied correctly. She says that, in his treatment of paragraphs 49, 50 and 55 of the NPPF, the officer failed to do so.
43. As regards paragraph 49 Ms Graham Paul points out that the Defendant's development plan was in place and up-to-date. She says that the Defendant had a five year supply of deliverable housing sites and that accordingly there was no warrant for dis-applying the local plan. Accordingly she argues that the presumption in favour of sustainable development set out in paragraph 14 of NPPF was not operative.
44. Ms Graham Paul concedes that it is open to a decision maker to find the development was sustainable, and that sustainability may be capable of being a material consideration outweighing a conflict with the development plan. But, she argues, on the facts of the present case, there was no basis for finding that the development plan was inconsistent with the NPPF and there was no analysis of any suggested justification for departure from the development plan.
45. As to paragraph 50 of the NPPF Ms Graham Paul says that that relates to plan making and not decision taking and accordingly is irrelevant to the decision being made by the committee on this occasion. As to paragraph 55 Ms Graham Paul says there was insufficient analysis to justify departing from the plan.
46. I remind myself of what was said by Judge LJ, as he then was, in Oxton Farms, the case cited at paragraph 15(ii) by Hickinbottom J in the Zurich case referred to above. I have to ask myself whether the overall effect of the report significantly misleads the committee about material matters which thereafter are left uncorrected at the meeting of the planning committee before the relevant decision is taken. I fail to see how such a criticism could be made of the officer's report in this regard in the present case.
47. As is conceded by Ms Graham Paul sustainability may be capable of being a material consideration in considering a conflict with a development plan. What the officer did in the present case, in paragraph 6.10 of the report, was to invite the committee to note the effect of paragraphs 49, 50 and 55. It is not suggested that those paragraphs were misrepresented. Nor is it alleged that the Officer failed to point out that the proposed development fell outside the local plan. Nor did he fail to point out the objection to the principle of the proposed development (in both the latter cases he did so in paragraph 6.6). In my judgment in those circumstances it cannot sensibly be argued that the officer misled the committee in any material respect.
48. It is argued that those three paragraphs of the NPPF were irrelevant. I reject that suggestion too. As set out above, the NPPF provides for a presumption in favour of sustainable development which it says should be seen "as a golden thread" running through decision taking. The weight to be given to those considerations in any given

case is a matter for the planning authority but it cannot, at least on facts such as the present, be said that the underlying principle is irrelevant.

49. Finally, it is suggested that the Officer's report did not set out enough to justify departure from the development plan. In my judgment the report accurately and fairly sets out the competing considerations and it was a matter for the judgment of the planning authority how those considerations were resolved. In those circumstances I reject ground 2.

Ground 3 – Conservation Area

50. In support of her third ground Ms Graham Paul refers me to the general duty in relation to listed buildings and conservation areas in the exercise of planning functions, provided for by Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. She points to the need for special attention to be paid to the desirability of preserving a listed building and its setting, and of preserving or enhancing the character or appearance of a conservation area.

51. She refers me to paragraph 6.25 of the officer's report and the passage that reads

“the development has been laid out in such a way as to avoid any material intrusion within the landscape, with only glimpses of the buildings being able to be seen in views through to the site from the public domain and the conservation area...although the appearance of the site would change, as would the setting of the village, conservation area and surrounding residential properties this change is not considered to be visually harmful.”.

52. Ms Graham Paul says that such an assessment needs to be properly informed. She says that the author of the report did not visit the Claimant's property and that there is no evidence that he visited the conservation area.
53. In my judgment this argument is hopeless. The Defendants had received a design and access statement from the interested party in respect of an earlier application. That application had been amended, at the Council's invitation, to reduce the number of new dwellings and the reporting Officer was aware of that. The Officer carried out a site assessment in the usual way and had the benefit of an illustrative plan. The report makes express reference to Section 72 of the 1990 Act (in paragraph 6.28).
54. The development neighbours a conservation area but is not located within it and the officer writing the report expressed a perfectly sensible planning judgment, based on his inspection and the history as he knew it to be, that the development would change the setting of the listed buildings and conservation area but would not be harmful. Furthermore the members of the committee had the benefit of local knowledge and were able to visit the site if they chose. A number of them did so.
55. I see no basis on which it can be said that this was so ill informed a judgment as to be vulnerable to challenge. On the contrary, it seems to me a judgment the committee was perfectly entitled to reach. In those circumstances ground 3 is dismissed.

Ground 4 – Jurisdiction

56. Finally, there is a challenge to the jurisdiction of the Area Planning Committee.
57. I have been provided with extracts from the Defendant Council’s constitution. Chapter 3 of that constitution provides that the Council “*may make arrangements under Section 101 of the Local Government Act 1972 for the discharge of any of its functions by (a) a committee; (b) a subcommittee...*” Area 3 Planning Committee is required to consist of members of certain identified wards. The function of that planning committee, like the equivalent committee for Areas 1 and 2, is described as “*function relating to town and country planning and development control...except where recommended for approval in fundamental conflict with plans and strategies which together comprise the development plan.*”.
58. Paragraph 3.1 further describes the responsibility of Area Planning Committees. It says that applications for planning permission “*recommended for approval in respect of development which is in fundamental conflict with the development plan, ...should be reserved for determination by Council, or by reference to the Secretary of State, as appropriate.*”.
59. Ms Graham Paul argues that this application related to a proposal for a development which is in fundamental conflict with the development plan. In support of that assertion she relies on what I take to be a speaking note used by the Claimant in addressing the committee on 7 January 2016. The note reads, in material part,
- “the report states “there is an objection to the principle of the proposed development in broad policy terms. What this actually means is that this planning application is in fundamental conflict (with) the plans and strategies which together comprise the development plan.”.*
60. There is nothing in that speaking note to indicate that the Claimant was making a point about the jurisdiction of the committee. On the contrary, as I read it, he was seeking to underline a clause in paragraph 6.6 of the officer’s report which precedes the clause read out. That clause reads “*consequently, the proposed development falls outside of the requirements of these policies*”.
61. In my judgment, neither the remarks of the Claimant at the meeting nor the arguments advanced by Ms Graham Paul get close to establishing that this application was in fundamental conflict with the development plan. It is, of course, right that the development fell outwith the development plan; that much is acknowledged in the report. But, in my judgment, it cannot properly be said that the conflict was in any sense fundamental. This development did not significantly prejudice the fundamental aims, objectives or land allocations under the development plan as a whole. It did not prejudice strategic delivery of the plan. It did not amount to premature pre-judging of the plan making process. It was not of a type or scale which threatened the integrity of the plan.
62. Certainly, if the judgment were mine I would reject any suggestion that this development constituted a fundamental conflict. However the judgment is not mine; it is a planning judgment for the committee which can be challenged only on

Wednesbury grounds. The planning authority is entitled to a margin of appreciation in reaching such judgments and, in my view, this fell comfortably within that margin.

63. There is in Ms Graham Paul's skeleton argument an argument that there was a failure to reach a judgment as to whether Area 3 Planning Committee had jurisdiction. That was not an argument actively pursued at the hearing. In my view, however, there is nothing in it. A Council is not obliged to set out its reasoning for the allocations of particular committees for every planning application. There is implicit in the fact of the allocation to an area committee that the planning authorities made a judgment that this is not a case requiring the attention of the full Council. That was the position here and I see no illegality in that decision.

Conclusions

64. It follows that I reject all four of the grounds advanced in support of this claim and the claim must be dismissed.



**Basingstoke
and Deane**

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REF:18/03682/FUL

Mr Howard Waters
Mathewson Waters Architects
The Old Surgery
Crowle Road
Lambourn
Hungerford
RG17 8NR

NOTICE OF APPROVAL

Town & Country Planning Act 1990 Town & Country Planning (Development Management Procedure) (England) Order 2015

In pursuance of its powers under the abovementioned Act, the Council as Local Planning Authority hereby GRANTS planning permission for the:

Proposal: Proposed gate lodge style dwelling to replace the existing building for which there is an extant Prior Approval consent for conversion to a dwelling.
Location Stratton Manor Browninghill Browninghill Green Baughurst RG26 5JZ
Applicant: Mr & Mrs B Champion

in accordance with your application, plans and particulars unless otherwise agreed in writing with the Local Planning Authority **and subject to compliance with the following conditions:**

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

Site Location Plan (drawing no. 1882.100)
Proposed Floor Plans (drawing no. 1882.102)
Proposed Elevations (drawing no. 1882.103)

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

2. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture to those on the application form and approved plans.
REASON: In the interests of visual amenity and in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

4. No development hereby permitted shall continue above slab level until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted (including replacement trees where appropriate). The works approved shall be carried out in the first planting and seeding seasons following the first occupation of the building(s) or when the use hereby permitted is commenced. In addition, a maintenance programme detailing all operations to be carried out in order to allow successful establishment of planting, shall be submitted to and approved in writing by the Local Planning Authority before development commences. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, to be agreed in writing by the Local Planning Authority.
REASON: Details are required prior to commencement because insufficient information has been submitted with the application in this regard, to improve the appearance of the site in the interests of visual amenity in accordance with Policies EM1 and EM10 of the Basingstoke and Deane Local Plan 2011-2029.
5. With the exception of the demolition of existing buildings and removal of existing hardstanding and any underground infrastructure no works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority:-
- (a) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as being appropriate by the desk study in accordance with BS10175:2011- Investigation of Potentially Contaminated Sites - Code of Practice;
- and,
- (b) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants/or gases when the site is developed. The scheme must include a timetable of works and site management procedures and the nomination of a competent person to oversee the implementation of the works. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 and if necessary proposals for future maintenance and monitoring.

If during any works contamination is encountered which has not been previously identified it should be reported immediately to the Local Planning Authority. The additional contamination shall be fully assessed and an appropriate remediation scheme, agreed in writing with the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11'.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EM12 of the Basingstoke and Deane Local Plan 2011-2029.

6. The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of condition 5 that any remediation scheme required and approved under the provisions of condition 5 has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Such verification shall comprise;
- as built drawings of the implemented scheme;
 - photographs of the remediation works in progress;
 - Certificates demonstrating that imported and/or material left in situ is free of contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 5.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance Policy EM12 of the Basingstoke and Deane Local Plan 2011-2029.

7. Notwithstanding the submitted details no development shall commence on site until details of the works for the disposal of foul sewage have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the approved sewage details have been fully implemented in accordance with the approved plans.

REASON: In the absence of details for the disposal of foul sewage and a septic tank being the last acceptable waste disposal solution within the waste hierarchy, it is necessary for further information to be submitted which ensures the proposal is provided with a satisfactory means of drainage. The information is requested prior to works commencing at the site in order to ensure the drainage infrastructure required for the development is fully considered and accommodated within the site in accordance with Policy EM7 of the Basingstoke and Deane Local Plan 2011-2029.

8. The developer, within one week of the commencement of development, shall ensure that there is provision to be made for the parking and turning on site of operatives' and construction vehicles, together with storage on site of construction materials. The provision shall be retained and used for the intended purpose for the duration of the construction period and that area shall not be used for any other purposes other than the parking and turning of vehicles and storage of construction materials respectively.

REASON: In the interests of highway safety and in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

9. The development shall not be occupied or the use commence, whichever is the sooner, until the vehicle parking area has been constructed and surfaced in accordance with the approved details and that area shall not thereafter be used for any purpose other than parking, loading and unloading of vehicles.

REASON: In the interests of highway safety and in accordance with Policies EM10 and CN9 of the Basingstoke and Deane Local Plan 2011-2029.

10. Within 3 months of the date of commencement a Construction Statement detailing how the new home shall meet a water efficiency standard of 110 litres or less per person per day has been submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing with the Local Planning Authority through a demonstration that this requirement for sustainable water use cannot be achieved on technical or viability grounds. The development shall be carried out in accordance with the approved details.
REASON: In the absence of such details being provided within the planning submission, details are required to ensure that the development delivers a level of sustainable water use in accordance with Policy EM9 of the Basingstoke and Deane Local Plan 2011-2029.
11. The development hereby permitted shall not be occupied or the approved use commence, whichever is the sooner, until the property has provision within its curtilage for refuse and recycling storage (prior to disposal) with a collection point not more than 15 metres carrying distance from a highway which is a carriageway, the surface materials from the carriageway to the waste container collection point shall be smooth and shall not hinder the movement of waste containers to the collection vehicle, have been provided for 1 number 240ltr refuse Wheelie bin, 1 number 240ltr recycling Wheelie bin and 1 number glass recycling box, and the areas of land so provided shall not be used for any purposes other than the storage (prior to disposal) or the collection of refuse and recycling and shall be thereafter retained and maintained, unless otherwise agreed in writing by the Local Planning Authority.
REASON: In the interests of general amenity, to ensure convenience of arrangements for refuse and recycling storage and collection and to ensure that no obstruction is caused on the adjoining highway, in the interest of highway safety and in accordance with Policies CN9 and EM10 of the Basingstoke and Deane Local Plan 2011- 2029.
12. The development hereby permitted shall not be occupied until the property has provision within its curtilage for secure cycle parking facilities for 2 long and 1 short stay places, The cycle storage shall thereafter be retained and maintained in perpetuity.
REASON: To improve provision for cyclists and discourage the use of the private car wherever possible and in accordance with Policies CN9 and EM10 of the Basingstoke and Deane Local Plan 2011- 2029.
13. The development hereby permitted shall not be occupied until the approved dwelling has installed a bat roosting box (either Schweglar 1FF or a Schweglar 1FFH) in a reasonable sunny location in order to achieve net gains for biodiversity.
REASON: The adjacent property at Stratton Manor has several bat roosts for 7 bat species therefore a bat roosting box should be erected in conjunction with this application in order to benefit these diverse bat populations within the immediate area to achieve net gains for biodiversity in line with Policy EM4 of the Local Plan.

Notes to Applicant

1. 1.1 The applicant's attention is drawn to the fact that the above conditions (if any), must be complied with in full, failure to do so may result in enforcement action being instigated.

1.2 This permission may contain pre-commencement conditions which require specific matters to be submitted and approved in writing by the Local Planning Authority before a specified stage in the development occurs. This means that a lawful commencement of the approved development CANNOT be made until the particular requirements of the pre-commencement conditions have been met.

1.3 The applicant's attention is drawn to the fact that the Local Planning Authority has a period of up to eight weeks to determine details submitted in respect of a condition or limitation attached to a grant of planning permission. It is likely that in most cases the determination period will be shorter than eight weeks, however, the applicant is advised to schedule this time period into any programme of works. A fee will be required for requests for discharge of any consent, agreement, or approval required by a planning condition. The fee chargeable is £116 or £34 where the related permission was for extending or altering a dwelling house or other development in the curtilage of a dwelling house. A fee is payable for each submission made regardless of the number of conditions for which approval is sought. Requests must be made using the standard application form (available online) or set out in writing clearly identifying the relevant planning application and condition(s) which they are seeking approval for.

2. In accordance with paragraph 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following positive and creative manner:-

- considering the imposition of conditions and or the completion of a s.106 legal agreement (in accordance with paragraphs 54-57).

In this instance:

- the application was acceptable as submitted and no further assistance was required.

In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.

3. The applicant is advised that any asbestos identified to be present on site shall be removed and disposed of by a licensed asbestos contractor in accordance with the Control of Asbestos Regulations 2012.
4. If this development will result in new postal addresses or changes in addresses, please contact the council's Street Naming and Numbering team on 01256 845539 or email shirley.brewer@basingstoke.gov.uk to commence the process. Details can be found on the council's website.
5. The applicant/developer should enter into a formal agreement with Thames Water to provide the necessary sewerage infrastructure required to service this development. Please contact Thames Water on Tel 0203 577 9998; at devcon.team@thameswater.co.uk or at Development Planning, Thames Water, Maple Lodge STW, Denham Way, Rickmansworth, WD3 93Q.

The officer's report can be viewed on the council's website www.basingstoke.gov.uk.



Planning and Development Manager

Date: 14 February 2019

It is important that you read the notes overleaf

NOTIFICATION - APPEALS TO THE SECRETARY OF STATE

18/03682/FUL

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 the local planning authority's decision then you must do so within 6 months of the date of this notice.

However, if

- (i) this is a decision on a planning application relating to the same or substantially the same land and development and is already the subject of an enforcement notice, and 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 this notice; or,
- (ii) an enforcement notice is subsequently served relating to the same or substantially the same land and development as in your application and if you want to appeal against the 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; or,
- (iii) this is a decision to refuse planning permission for a minor commercial application you must do so within 12 weeks of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

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.

Purchase Notices

- (d) If either the local planning authority or the Secretary of State/National Assembly for Wales* 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.
- (e) In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London or county or county borough in Wales) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Application 18/03682/FUL

Details of Application:	Full Planning Application Proposed gate lodge style dwelling to replace the existing building for which there is an extant Prior Approval consent for conversion to a dwelling. Date Registered 20 December 2018 (Subject to three year condition)
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Location:	Address: Stratton Manor Browninghill Browninghill Green Baughurst RG26 5JZ
	Ward: Baughurst And Tadley North
	Parish: BAUGHURST CP
	OS: 458553 159251

Applicant:	Mr & Mrs B Champion
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Case Officer:	Bethan Wallington 01256 845361
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RECOMMENDATION:

It is RECOMMENDED that **the application be APPROVED subject to the conditions listed at the end of this report.**

Planning Policy

The site lies outside any recognised Settlement Policy Boundary as identified within the Basingstoke and Deane Local Plan 2011-2029 and is therefore considered to lie in a countryside location.

National Planning Policy Framework (NPPF) (July 2018)

- Section 2 (Achieving Sustainable Development)
- Section 4 (Decision-making)
- Section 5 (Delivering a sufficient supply of homes)
- Section 9 (Promoting sustainable transport)
- Section 12 (Achieving well-designed places)
- Section 15 (Conserving and enhancing the natural environment)

Basingstoke and Deane Local Plan 2011-2029

- Policy SD1 (Presumption in Favour of Sustainable Development)
- Policy SS1 (Scale and Distribution of Housing)
- Policy SS6 (New Housing in the Countryside)
- Policy CN1 (Affordable Housing)
- Policy CN6 (Infrastructure)
- Policy CN7 (Essential Facilities and Services)
- Policy CN8 (Community, Leisure and Cultural Facilities)
- Policy CN9 (Highway Safety)
- Policy EM1 (Landscape)
- Policy EM4 (Biodiversity, Geodiversity and Nature Conservation)
- Policy EM9 (Sustainable Water Use)
- Policy EM10 (Delivering High Quality Development)
- Policy EM11 (The Historic Environment)

Policy EM12 (Pollution)
Supplementary Planning Documents and Guidance (SPD's and SPG's) and interim planning guidance

Design and Sustainability Supplementary Planning Document (July 2018)
Residential Parking Standards Supplementary Planning Document (July 2018)
Planning Obligations for Infrastructure SPD (March 2018)
Landscape, Biodiversity and Trees SPD (December 2018)

Other material documents

The Community Infrastructure Levy Regulations 2010 (as amended)
Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990
Bauhurst Village Design Statement
Wildlife and Countryside Act 1981 (as amended)
Conservation (Natural Habitats, &c.) Species Regulations 2010 (as amended)
Natural Environment and Rural Communities (NERC) Act (2006)

Description of Site

The site is an area of 0.13 hectares and is sited close to one of the gated entrances into Stratton Manor. The site for the dwelling is visible from the road however partially screened from the walled boundary treatments around the perimeter of Stratton Manor.

The site is currently occupied by a single-storey former agricultural building with a concrete apron on its southern side.

Proposal

The proposed development seeks planning permission to erect a new three bed dwelling in place of the existing building where there is an extant permission to convert this existing building into a dwelling under prior approval consent 17/03128/GPDADW.

The proposed dwelling would comprise of a maximum footprint of 10.3 metres in width by 11.7 metres in depth which includes the single storey porch and the rear family room bay window. The ridge height would be a maximum of 7.4 metres in height where a chimney would stand a further 2.3 metres higher than the ridge. The dwelling would be of a traditional design with the materials being orange/red facing brick and red/brown clay tiles.

The dwelling would include a rear garden enclosed by a 1.2 metre high post and rail fence and parking for two vehicles.

Consultations

Bauhurst Parish Council: 'No objection.'

Conservation: No objection.

Landscape: No objection subject to condition.

Highways: No objection subject to condition.

Biodiversity: No objections subject to condition.

Environmental Health: No objections subject to conditions.

Public Observations

None received.

Relevant Planning History

17/03128/GPDADW	Notification of proposed change of use from agricultural building to dwelling house (Class C3) including proposed additional operational works	GTD	01.12.2017
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Assessment

Principle of development

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plan for the area is the Basingstoke and Deane Local Plan 2011-2029.

The Local Plan establishes appropriate locations for new development, including housing development, being explicit in its aims (as set out within Paragraph 4.70) to 'direct development to within the identified Settlement Policy Boundaries and specific site allocations'. Outside of Settlement Policy Boundaries, it is the intention to maintain the existing open nature of the borough's countryside, prevent the coalescence of settlements and resist the encroachment of development into rural areas. The countryside is therefore subject to a more restrictive policy. This application site lies outside of any Settlement Policy Boundary as defined by Policy SS1 (Scale and Distribution of Housing) of the Local Plan.

Policy SS1, criteria f) permits development outside defined Settlement Policy Boundaries where the development would meet specific criteria set out in other policies in the Plan, including Policy SS6 (New Housing in the Countryside). Policy SS6 of the Local Plan states that new housing outside Settlement Policy Boundaries will be permitted where, amongst other criteria, it is on previously developed land; is part of a rural exception scheme or is small scale to meet a locally agreed need. These criteria confirm that new housing development is to only be permitted in exceptional circumstances. In having regard to criteria associated with Policy SS6 the proposal, being on agricultural land, does not fall within the definition of 'previously developed land' as set out within the NPPF and the Local Plan.

Furthermore, the development does not comprise a rural exception scheme to provide rural affordable housing for people with local connections or for rural workers; does not reuse a redundant or disused permanent building; is not a replacement dwelling; is not a small scale proposal to meet a locally agreed need; and is not linked to an existing a rural business. Finally, the site is not allocated within any Neighbourhood Plan. The proposed development therefore does not meet the requirements of Policy SS6.

- Other material considerations

In determining the principle of development, there is planning history to this site which is material to the consideration of the planning application. The site currently benefits from Prior Approval (LPA ref: 17/03128/GPDADW) for the conversion of the building to a residential use which, through permitted development rights, establishes a differing starting point in planning terms to accepting the presence of a residential dwelling in a countryside location. These rights are afforded for the conversion of a building only where this approach stems from the Government's intention to 'make better use of redundant or under-used agricultural buildings, increasing rural housing without building on the countryside' (Ministerial Statement 06 March

2014).

Notwithstanding this different starting point, weight is afforded to the prior approval as a fall-back position. The Planning Inspector accepted this position on the appeal for Julians Barn in Laverstoke (LPA ref: 18/03317/FUL) and stated that 'given the site location and the need for housing generally, together with the resolve of the appellant to implement that approval and then pursue a replacement dwelling, the fall-back position is a consideration to which I attach substantial weight'. The approach for establishing the principle of residential development at Julian's Barn was therefore accepted. The conclusion of the Inspector is maintained whereby it would be unreasonable to now dispute this position. As such, this approach has been considered within this application and as the fall-back position is a dwelling in this location, it is considered acceptable in regards to a dwelling in this location.

- NPPF/Sustainable development

The NPPF sets out the Government's planning policy for England and places sustainable development at the heart of the decision-taking process, incorporating objectives for economic, social and environmental protection.

In this regard, the economic role of the NPPF requires proposals to contribute to building a strong, responsive and competitive economy. The proposed development would not provide a direct economic benefit and therefore the resultant benefits of wage spend from the construction process and future occupier spending would be limited within this rural area. The social aspect of sustainable development would be addressed through a limited contribution made to the local housing stock.

Environmentally, the development site currently comprises agricultural land in an isolated position within the countryside with the site significantly separated from Tadley being the closest settlement by approximately 1.9km (Baughurst Settlement is 2.6km away), and its local facilities, and is not well served by public transport. The site does not have any physical or visual connection with the settlement of Tadley or Baughurst however given the fall-back position of a dwelling in this location, it is considered acceptable. The proposed building would also need to meet current energy efficiency standards set by Building Regulations and through the imposition of planning conditions, seek to provide ecological improvements in the form of a bat box. The proposal therefore meets the sustainability objectives of the NPPF.

Affordable Housing

Local Plan Policy CN1 requires the provision of 40% affordable housing as part of new residential development with a tenure split of 70% rented and 30% intermediate products. This requirement is not limited to any minimum thresholds in terms of dwelling numbers. Whilst the requirements of the Local Plan are acknowledged, the NPPF (2018) provides an updated position whereby affordable housing 'should not be sought for residential developments that are not major developments other than in designated rural areas' (para 63). In being mindful of the NPPF, this site is not liable for contributions towards affordable housing.

Loss of Agricultural Land

The development proposal would result in the loss of a small area of agricultural land which is identified through the Agricultural Land Classification System (ALC) held by Natural England as Grade 3. The ALC grading sits at a strategic level and is not intended for site specific use, nevertheless the land is in agricultural use for grazing and the building is used for ancillary storage of pallets for feeds. The NPPF (para 171) requires Local Planning Authorities to direct 'significant' development to areas of poorer quality land. This development is not considered to be 'significant' development, due to proposing only a single

dwelling which has the garden only encroaching into a field used for farming sheep. It is therefore not considered that this requirement of the NPPF applies to the proposed development.

Impact on the character of the area/ design

The NPPF (Chapter 12) states that creating high quality buildings and places is fundamental to achieving good planning and development. Locally, Policy EM1 states that development will be permitted only where it can be demonstrated that the proposals are sympathetic to the character and visual quality of the area and are supported by a comprehensive landscaping scheme. This sits in conjunction with Policy EM10 which requires development to be informed by the local context in terms of design and siting in order to contribute towards local distinctiveness and be visually attractive.

This is an application for the replacement of an existing single storey building with a modest gate lodge style dwelling at Stratton Manor. There is an extant consent to convert the building to residential accommodation through permitted development rights, therefore the principle of a dwelling in this location has been established. However the application seeks to gain permission for a new building of a different design where the proposed building will be taller, although on a smaller footprint.

It should first be noted that the existing building has no historic or amenity value and does not contribute to the landscape character of the area, given it is concrete construction and that is in need of some repair. As such, there is no objection to its demolition.

The proposed dwelling would be traditional in its form and would have the appearance of a gate lodge dwelling, a design which could reasonably be expected in this location serving a manor house (although it should be acknowledged this would be self-contained with no tie to Stratton Manor). The vernacular design and chimney details of the dwelling represent examples from other gate lodge houses. The development would use orange-red bricks, red-brown clay tiled roof and has been presented with timber bargeboards and clay tile hanging to the small gable above the front door which all contribute to its traditional design. Brick details are also proposed such as a plinth and window arches which further emphasise its traditional nature.

The dwelling is modest in its footprint and would sit comfortably within the proposed plot. It is acknowledged that the dwelling would sit higher than the existing structure, however, taking into account the proposed design and smaller footprint when compared to the existing structure, it is considered the increased height would not be detrimental to the character of the area. As such, it is considered acceptable and would enhance the appearance of the site and its setting.

The development would have an improved relationship with the surroundings and whilst it would materially change the appearance of the site from that of an agricultural barn to a purpose designed dwelling, the proposal would not be of a scale and massing that would result in significant overriding demonstrable harm. The Landscape Officer has raised no objections providing that a condition is imposed to seek soft landscaping details which is considered reasonable. The scheme, with this condition in place, is deemed to be of an acceptable response to this rural setting in accordance with the requirements of Policy EM1 and EM10 of the Local Plan.

Impact on designated heritage asset

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on Local Planning Authorities to have special regard to the desirability of preserving a listed building, or its setting, or any features of special architectural or historic interest it possesses.

The application site is located in excess of 180 metres from the Grade II listed Browninghill which is considered an acceptable distance in regards to not impacting the setting of Browninghill. The Conservation Officer raised no objections and as such it is considered the proposed development would accord with Policy EM11 of the Local Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on neighbouring amenities

Policy EM10 considers the effect of development upon neighbouring residential amenities, addressing aspects such as privacy and private open space, light, noise and disturbance. In this regard consideration is given to both existing residential development in the vicinity of the site as well as the potential relationships between the proposed dwelling units.

The closest neighbouring property is Stratton Manor to the west which is located approximately 125 metres away from the application site. Given this distance from neighbouring properties, it is considered that the proposed new dwelling would have no adverse impacts upon the amenities of neighbours. No objections are therefore raised in this regard. As such the proposal accords with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

- Amenity to proposed dwelling

The proposed dwelling would be located within a good sized curtilage which enables provision of both parking and rear garden space. The space provided would accord with the requirements of the Design and Sustainability SPD and, due to the distance to neighbouring dwellings, would be provided with an appropriate level of privacy and natural daylight and sunlight.

- Noise

Policy EM12 gives consideration to avoiding noise impacts which would harm living and working conditions or the enjoyment of the built and natural environment. The Environmental Health Officer suggested conditions relating to delivery and working hours to protect the amenities of the nearby neighbours however given the distance from the site to these neighbouring properties, the conditions are not considered necessary.

As such the proposal would accord with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

Highways

Policy CN9 (Transport) requires that highway movements are not of an inappropriate type or level as to compromise highway safety with safe and convenient access for potential users and with a compatible on site layout that include appropriate parking. The need for appropriate parking is additionally reflected within Policy EM10 with respect to ensuring that the amount, design, layout and location accords with parking standards. The site is situated within the 'Rural' area for the purposes of assessing NPPF Sustainable Transport Modes and the provision of residential motor vehicle and secure cycle parking provision plus refuse/recycling facilities.

As an additional dwelling will be proposed on the site, it is expected to generate traffic however it is not considered this would be to a detrimental degree. Furthermore, there is an existing access via a private road, which will remain unaltered and, due to the nature of Church Road, visibility splays are deemed acceptable. It is also argued that the existing use as an agricultural building would generate traffic from larger vehicles than what a residential

dwelling would propose.

The proposed development as a residential property is a traffic generating use with the creation of an additional dwelling intensifying the number of vehicular movements along the local highway network from the construction phase onwards. The scale of the development however is not considered to create an overriding material impact upon the free flow of traffic and highway safety and therefore accords with Policy CN9.

The proposal would result in a new three bedroom dwelling. The site is situated within a rural area and in accordance with the Parking Supplementary Planning Document, a three bedroom property should provide for the parking of two vehicles on-site. The property would be provided with on-plot parking and with access to the highway via a private elongated driveway used for the units within Stratton Manor (and the manor itself). The proposal shows two parking spaces to be arranged which meet the dimensions set out within the Parking SPD. As such the proposal complies with Policies CN9 and EM10 of the Basingstoke and Deane Local Plan 2011-2029.

The Highways Officer has raised no objection subject to the imposition of conditions. The recommended conditions have been given due consideration having regard to the tests for applying planning conditions as set out within the NPPF. It was requested that a construction method statement is imposed as a pre-commencement, however, given the location of the site it is not considered reasonable and instead a condition ensuring that arrangements are made available on site for site operatives vehicles (including the storage of materials and machinery etc.) within one week of commencement. A parking condition was also requested and a condition will be imposed to ensure the two parking spaces are laid prior to occupation and maintained as such at all times. With conditions in place, the development accords with Policies CN9 and EM10 of the Local Plan.

Storage and Collection of Waste and Recycling

The development would need to provide adequate provision for the storage of two wheeled containers and a glass collection box per dwelling. Whilst details are not provided within the submission, space is available on site for storage and for containers to be presented for emptying by the collection operatives either at the kerbside. The provision is to be secured by condition.

Environmental Health

It was noted that asbestos may be present on site and as such the Environmental Health Officer requested that a condition be imposed to ensure that if asbestos is found present on site that a verification statement is submitted of its disposal before the building is in use. This is not considered reasonable because asbestos is controlled by separate legislation within the Control of Asbestos Regulations 2012.

Contamination Land

Policy EM12 establishes that development will only be permitted where it does not result in pollution which is detrimental to quality of life or poses unacceptable risk to health or the natural environment.

Given the historic agricultural use of the site, a land-use which Environmental Health considers to be potentially contaminating, the Environmental Health Officer is of the view that the ground on the site has the potential to be contaminated. It was noted that a contamination assessment was submitted in support of the previous permitted development application on this site which was for the conversion of the building into residential. The Environmental Health Officer further noted that a further Phase 1 Report is not required for

this application however a post demolition site investigation is required to be undertaken followed by a remediation method statement. This is considered necessary and reasonable to include this as a condition on any grant of permission.

Flood Risk

Policy EM7 (Managing Flood Risk), the NPPF, and National Planning Practice Guidance, require new development to be directed away from the areas that are at the highest risk of flooding, or alternatively demonstrated to be flood resilient and resistant, to include safe access and egress, without increasing residual flood risk elsewhere.

The Environment Agency Flood Risk Maps position the site as falling within Flood Zone 1 giving the site a low risk of flooding (less than 1 in 1000 annual probability) and considers that the site to be at low risk of surface water flooding. Due to the location, and with the site area sitting under 1ha in size, there has not been a requirement to accompany the application with any flood risk assessment. The site is also outside of any critical drainage area therefore with the development proposal also falling below thresholds set by Hampshire County Council as the Lead Local Flood Authority for assessing drainage matters, surface water drainage is therefore best addressed through Building Regulations. The proposal is therefore considered to be in accordance with Policy EM7 of the Local Plan.

Drainage

The proposed foul drainage system is unknown at present and the National Planning Guidance sets out that strict guidelines that proposals for septic tanks should only be considered if it can be clearly demonstrated by the applicant that discharging into a public sewer to be treated at a public sewage treatment works or package sewage treatment plant is not feasible (taking into account costs and or practicability). This is supported by the NPPF in paragraphs 109 and 120 regarding preserving the natural environment and preventing unacceptable risks from pollution on health, the natural environment and general amenity.

It is therefore considered reasonable and necessary for the applicant to provide details on a feasible solution to wastewater drainage at the site by way of pre-commencement condition. In this respect, the application is considered to be in accordance with national guidance and with Policy EM6 of the Local Plan.

Biodiversity

The existing building to be demolished has a corrugated sheet metal roof and as such makes it unsuitable for roosting bats and it would appear there were no signs for species such as barn owls to access the roof space. The Biodiversity Officer raised no concerns given it could not be seen that there was any particular ecological concerns with the demolition of the barn however it was noted that there are several important bat roosts at the main house of Stratton Manor. As such, it is considered reasonable to impose a condition to ensure a bat box is installed (either Schweglar 1FF or a Schweglar 1FFH) in a reasonable sunny location on the proposed dwelling to benefit those species. The development is therefore considered to be in accordance with Policy EM4 of the Local Plan.

Energy Efficiency

Policy EM9 of the Local Plan sets out a requirement to ensure that water resources within new development are used sustainably through the imposition of a water efficiency standard of 110 litres or less per person per day. The proposal has not been accompanied by any information demonstrating that such levels of water consumption will be achieved within the development; therefore a planning condition is to be imposed to secure this standard.

Community Infrastructure Requirements

Basingstoke and Deane Borough Council implemented its Community Infrastructure Levy (CIL) on the 25th June 2018. The required forms have been submitted for CIL contributions to be calculated if applicable. From these forms, it would appear that the development would be CiL liable, but would attract a £nil charge in line with the Council's Charging Schedule.

Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan (drawing no. 1882.100)
Proposed Floor Plans (drawing no. 1882.102)
Proposed Elevations (drawing no. 1882.103)

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

- 2 The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture to those on the application form and approved plans.

REASON: In the interests of visual amenity and in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

- 4 No development hereby permitted shall continue above slab level until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted (including replacement trees where appropriate). The works approved shall be carried out in the first planting and seeding seasons following the first occupation of the building(s) or when the use hereby permitted is commenced. In addition, a maintenance programme detailing all operations to be carried out in order to allow successful establishment of planting, shall be submitted to and approved in writing by the Local Planning Authority before development commences. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, to be agreed in writing by the Local Planning Authority.

REASON: Details are required prior to commencement because insufficient information has been submitted with the application in this regard, to improve the appearance of the site in the interests of visual amenity in accordance with Policies EM1 and EM10 of the Basingstoke and Deane Local Plan 2011-2029.

- 5 With the exception of the demolition of existing buildings and removal of existing hardstanding and any underground infrastructure no works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority:-

(a) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as being appropriate by the desk

study in accordance with BS10175:2011- Investigation of Potentially Contaminated Sites - Code of Practice;

and,

(b) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants/or gases when the site is developed. The scheme must include a timetable of works and site management procedures and the nomination of a competent person to oversee the implementation of the works. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 and if necessary proposals for future maintenance and monitoring.

If during any works contamination is encountered which has not been previously identified it should be reported immediately to the Local Planning Authority. The additional contamination shall be fully assessed and an appropriate remediation scheme, agreed in writing with the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11'.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EM12 of the Basingstoke and Deane Local Plan 2011-2029.

- 6 The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of condition 5 that any remediation scheme required and approved under the provisions of condition 5 has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Such verification shall comprise;

as built drawings of the implemented scheme;

photographs of the remediation works in progress;

Certificates demonstrating that imported and/or material left in situ is free of contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 5.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance Policy EM12 of the Basingstoke and Deane Local Plan 2011-2029.

- 7 Notwithstanding the submitted details, no development shall commence on site until details of the works for the disposal of foul sewage have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be

occupied until the approved sewage details have been fully implemented in accordance with the approved plans.

REASON: In the absence of details for the disposal of foul sewage and a septic tank being the last acceptable waste disposal solution within the waste hierarchy, it is necessary for further information to be submitted which ensures the proposal is provided with a satisfactory means of drainage. The information is requested prior to works commencing at the site in order to ensure the drainage infrastructure required for the development is fully considered and accommodated within the site in accordance with Policy EM7 of the Basingstoke and Deane Local Plan 2011-2029.

- 8 The developer, within one week of the commencement of development, shall ensure that there is provision to be made for the parking and turning on site of operatives' and construction vehicles, together with storage on site of construction materials. The provision shall be retained and used for the intended purpose for the duration of the construction period and that area shall not be used for any other purposes other than the parking and turning of vehicles and storage of construction materials respectively.
REASON: In the interests of highway safety and in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.
- 9 The development shall not be occupied or the use commence, whichever is the sooner, until the vehicle parking area has been constructed and surfaced in accordance with the approved details and that area shall not thereafter be used for any purpose other than parking, loading and unloading of vehicles.
REASON: In the interests of highway safety and in accordance with Policies EM10 and CN9 of the Basingstoke and Deane Local Plan 2011-2029.
- 10 Within 3 months of the date of commencement a Construction Statement detailing how the new home shall meet a water efficiency standard of 110 litres or less per person per day has been submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing with the Local Planning Authority through a demonstration that this requirement for sustainable water use cannot be achieved on technical or viability grounds. The development shall be carried out in accordance with the approved details.
REASON: In the absence of such details being provided within the planning submission, details are required to ensure that the development delivers a level of sustainable water use in accordance with Policy EM9 of the Basingstoke and Deane Local Plan 2011-2029.
- 11 The development hereby permitted shall not be occupied or the approved use commence, whichever is the sooner, until the property has provision within its curtilage for refuse and recycling storage (prior to disposal) with a collection point not more than 15 metres carrying distance from a highway which is a carriageway, the surface materials from the carriageway to the waste container collection point shall be smooth and shall not hinder the movement of waste containers to the collection vehicle, have been provided for 1 number 240ltr refuse Wheelie bin, 1 number 240ltr recycling Wheelie bin and 1 number glass recycling box, and the areas of land so provided shall not be used for any purposes other than the storage (prior to disposal) or the collection of refuse and recycling and shall be thereafter retained and maintained, unless otherwise agreed in writing by the Local Planning Authority.
REASON: In the interests of general amenity, to ensure convenience of arrangements for refuse and recycling storage and collection and to ensure that no obstruction is caused on the adjoining highway, in the interest of highway safety and in accordance with Policies CN9 and EM10 of the Basingstoke and Deane Local Plan

2011- 2029.

- 12 The development hereby permitted shall not be occupied until the property has provision within its curtilage for secure cycle parking facilities for 2 long and 1 short stay places. The cycle storage shall thereafter be retained and maintained in perpetuity.
REASON: To improve provision for cyclists and discourage the use of the private car wherever possible and in accordance with Policies CN9 and EM10 of the Basingstoke and Deane Local Plan 2011- 2029.
- 13 The development hereby permitted shall not be occupied until the approved dwelling has installed a bat roosting box (either Schweglar 1FF or a Schweglar 1FFH) in a reasonable sunny location in order to achieve net gains for biodiversity.
REASON: The adjacent property at Stratton Manor has several bat roosts for 7 bat species therefore a bat roosting box should be erected in conjunction with this application in order to benefit these diverse bat populations within the immediate area to achieve net gains for biodiversity in line with Policy EM4 of the Basingstoke and Deane Local Plan 2011-2029.

Informative(s):-

1. 1.1 The applicant's attention is drawn to the fact that the above conditions (if any), must be complied with in full, failure to do so may result in enforcement action being instigated.

1.2 This permission may contain pre-commencement conditions which require specific matters to be submitted and approved in writing by the Local Planning Authority before a specified stage in the development occurs. This means that a lawful commencement of the approved development CANNOT be made until the particular requirements of the pre-commencement conditions have been met.

1.3 The applicant's attention is drawn to the fact that the Local Planning Authority has a period of up to eight weeks to determine details submitted in respect of a condition or limitation attached to a grant of planning permission. It is likely that in most cases the determination period will be shorter than eight weeks, however, the applicant is advised to schedule this time period into any programme of works. A fee will be required for requests for discharge of any consent, agreement, or approval required by a planning condition. The fee chargeable is £116 or £34 where the related permission was for extending or altering a dwelling house or other development in the curtilage of a dwelling house. A fee is payable for each submission made regardless of the number of conditions for which approval is sought. Requests must be made using the standard application form (available online) or set out in writing clearly identifying the relevant planning application and condition(s) which they are seeking approval for.
2. In accordance with paragraph 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following positive and creative manner:-
 - considering the imposition of conditions and or the completion of a s.106 legal agreement (in accordance with paragraphs 54-57).

In this instance:

- the application was acceptable as submitted and no further assistance was required.

In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.

3. The applicant is advised that any asbestos identified to be present on site shall be removed and disposed of by a licensed asbestos contractor in accordance with the Control of Asbestos Regulations 2012.
4. If this development will result in new postal addresses or changes in addresses, please contact the council's Street Naming and Numbering team on 01256 845539 or email shirley.brewer@basingstoke.gov.uk to commence the process. Details can be found on the council's website.
5. The applicant/developer should enter into a formal agreement with Thames Water to provide the necessary sewerage infrastructure required to service this development. Please contact Thames Water on Tel 0203 577 9998; at devcon.team@thameswater.co.uk or at Development Planning, Thames Water, Maple Lodge STW, Denham Way, Rickmansworth, WD3 93Q.

Y – Pre commencement conditions agreed

Y CIL checked

Signed: bwa

Name: Bethan Wallington Case officer

Date: 13.02.2019

Y CIL checked

Signed: LMS

Name: Lisa Souden APM

Date: 14/02/2019

Application 18/03317/FUL

Details of Application:	Full Planning Application Demolition of agricultural barn and erection of detached dwellinghouse (use class C3) and setting out of domestic curtilage Date Registered 12 November 2018 (Subject to three year condition)
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Location:	Address: Julians Barn Laverstoke Grange Laverstoke Lane Laverstoke Hampshire
	Ward: Overton, Laverstoke And Steventon
	Parish: LAVERSTOKE CP
	OS: 449980 146708

Applicant:	Mr S Sheffield
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Case Officer:	Katherine Fitzherbert-Green 01256 845716
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RECOMMENDATION:

It is RECOMMENDED that **the application be APPROVED subject to the conditions listed at the end of this report.**

Planning Policy

The application site is located outside of any Settlement Policy Boundary as identified within the Basingstoke and Deane Local Plan 2011 – 2029 and therefore lies within a countryside location.

National Planning Policy Framework (NPPF) (July 2018)

- Section 2 - Achieving Sustainable Development
- Section 4 - Decision-making
- Section 5 - Delivering a sufficient supply of homes
- Section 9 - Promoting sustainable transport
- Section 12 - Achieving well-designed places
- Section 15 - Conserving and enhancing the natural environment

National Planning Practice Guidance.

Basingstoke and Deane Local Plan 2011-2029

- Policy SD1 (Presumption in Favour of Sustainable Development)
- Policy SS1 (Scale and Distribution of New Housing)
- Policy SS6 (New Housing in the Countryside)
- Policy CN1 (Affordable Housing)
- Policy CN6 (Infrastructure)
- Policy CN7 (Essential Facilities and Services)
- Policy CN8 (Community, Leisure and Cultural Facilities)
- Policy CN9 (Transport)
- Policy EM1 (Landscape)
- Policy EM4 (Biodiversity, Geodiversity and Nature Conservation)
- Policy EM5 (Green Infrastructure)

Policy EM7 (Managing Flood Risk)
Policy EM9 (Sustainable Water Use)
Policy EM10 (Delivering High Quality Development)
Policy EM12 (Pollution)

Supplementary Planning Documents and Guidance (SPD's and SPG's) and interim planning guidance

Planning Obligations for Infrastructure SPD (March 2018)
Design and Sustainability SPD (2018)
Parking SPD (2018)
Landscape, Biodiversity and Trees SPD (2018)

Other material documents

The Community Infrastructure Levy Regulations (as amended 2015)
Wildlife and Countryside Act 1981 (as amended)
Conservation (Natural Habitats, &c.) Species Regulations 2010 (as amended)
Natural Environment and Rural Communities (NERC) Act (2006)

Description of Site

Julian's Barn is situated in a countryside location accessed via an extended driveway from Laverstoke Lane and is set to the periphery of an enclave of buildings comprising large modern agricultural units, more traditional agricultural buildings which have been converted to commercial units and a large detached farmhouse. Two further dwellings, 102 and 103 Grange Farm Cottages, are positioned further west.

The site is surrounded by agricultural land which is included within the application site whereby there is no formal demarcation. As such, the site has an open aspect and, by virtue of the topography, benefits from wide open views across the landscape. A public right of way passes the north-west corner of the site before continuing north then east across the adjacent fields.

The barn itself is set on land currently laid to grass to its north, south and west with a gravel track separating the building from the adjacent commercial units. The barn comprises a blockwork plinth with cladding above and roofed in sheet metal. It has been extended to the east elevation with a lean-to taking the total footprint of the building to 18.5 metres by 17.3 metres at its widest point. The height to eaves measures 3.5 metres and 6.3 metres to ridge. The building is orientated to have its main entrance facing south.

Proposal

The application seeks full planning permission to demolish the agricultural barn and replace the structure with a two storey detached five bedroom dwelling together with the layout of a residential curtilage which extends east into the adjacent agricultural field and provision of parking to the south of the building upon hardstanding.

The property is to be positioned broadly central to the frontage of the site and occupy a curtilage of approximately 35m by 31m, with a rear garden depth of approximately 16m measured from the rear elevation. Within the curtilage, a small formal front garden is provided with pedestrian access and hardstanding and to the rear, the land is laid out to provide a large terrace with paving extending to the east and continuing parallel to the eastern elevation of the dwelling. No details have been provided as to how the new curtilage would be demarcated.

The proposed dwelling is to have a broadly 'Y' shaped footprint extending to a maximum 20m in length with a maximum width of 16.70m and rise to an eaves height of approximately 4.2m and a ridge of 7.70m. The form of the property is to provide gables in each direction with first floor accommodation extending into the roofspace with windows crossing the eaves. The property is to be constructed from elevations of brick and flint together with timber boarding sitting under a tiled roof.

Consultations

Laverstoke and Freefolk Parish Council – 'The Parish Council do not wish to make any comments on this planning application'.

Trees – No objection subject to conditions.

Biodiversity – No objection.

HCC Highways – No objection subject to conditions.

Environmental Health – No objection subject to conditions.

Waste – No objection.

Public Observations

None received.

Relevant Planning History

17/02358/FUL	Redevelopment of agricultural barn to provide detached dwellinghouse (use class C3) and setting out of domestic curtilage	REF Appeal dismissed	05.09.2017 05.04.2018
15/04082/GPDADW	Notification of proposed change of use from agricultural building to Class C3 dwellinghouse to include internal and external alterations and the setting of a domestic curtilage	GTD	26.02.2016
BDB/71761	Erection of an agricultural building	PR	13.01.2010

Assessment

Principle of development

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plan for the area is the Basingstoke and Deane Local Plan 2011-2029. Regard has to additionally be given to the planning history which in this instance concerns a planning appeal dismissed in April 2018.

The Local Plan establishes appropriate locations for new development, including housing development, being explicit in its aims (as set out within Paragraph 4.70) to 'direct development to within the identified Settlement Policy Boundaries and specific site

allocations'. Outside of Settlement Policy Boundaries, it is the intention to maintain the existing open nature of the borough's countryside, prevent the coalescence of settlements and resist the encroachment of development into rural areas. The countryside is therefore subject to a more restrictive policy. This application site lies outside of any Settlement Policy Boundary as defined by Policy SS1 (Scale and Distribution of Housing) of the Local Plan.

Policy SS1, criteria f) permits development outside of defined Settlement Policy Boundaries where the development would meet specific criteria set out in other policies in the Plan, including Policy SS6 (New Housing in the Countryside). Policy SS6 of the Local Plan states that new housing outside Settlement Policy Boundaries will be permitted where, amongst other criteria, it is on previously developed land; is part of a rural exception scheme or is small scale to meet a locally agreed need. These criteria confirm that new housing development is to only be permitted in exceptional circumstances. In having regard to criteria associated with Policy SS6 the proposal, being on agricultural land, does not fall within the definition of 'previously developed land' as set out within the NPPF and the Local Plan.

Furthermore, the development does not comprise a rural exception scheme to provide rural affordable housing for people with local connections or for rural workers; does not reuse a redundant or disused permanent building; is not a replacement dwelling; is not a small scale proposal to meet a locally agreed need; and is not linked to an existing rural business. Finally, the site is not allocated within any Neighbourhood Plan. The proposed development therefore does not meet the requirements of Policy SS6 which was confirmed by the Planning Inspector within the previous appeal.

- Other material considerations

In determining the principle of development, there is planning history to this site which is material to the consideration of the planning application. The site currently benefits from Prior Approval (LPA ref: 15/04082/GPDADW) for the conversion of the building to a residential use which, through permitted development rights, establishes a differing starting point in planning terms to accepting the presence of a residential dwelling in a countryside location. These rights are afforded for the conversion of a building only where this approach stems from the Government's intention 'make better use of redundant or under-used agricultural buildings, increasing rural housing without building on the countryside' (Ministerial Statement 06 March 2014).

Notwithstanding this different starting point, the Planning Inspector during the course of the previous appeal attached weight to the prior approval as a fall-back position. In accepting this position, the Inspector stated that 'given the site location and the need for housing generally, together with the resolve of the appellant to implement that approval and then pursue a replacement dwelling, the fall-back position is a consideration to which I attach substantial weight'. The approach for establishing the principle of residential development at Julian's Barn was therefore accepted. The conclusion of the Inspector is maintained whereby it would be unreasonable to now dispute this position.

- NPPF/Sustainable development

The NPPF sets out the Government's planning policy for England and places sustainable development at the heart of the decision-taking process, incorporating objectives for economic, social and environmental protection.

In this regard, the economic role of the NPPF requires proposals to contribute to building a strong, responsive and competitive economy. The proposed development would not provide a direct economic benefit and therefore the resultant benefits of wage spend from the construction process and future occupier spending would be limited within this rural area.

The social aspect of sustainable development would be addressed through a limited contribution made to the local housing stock.

Environmentally, the development site currently comprises agricultural land in an isolated position within the countryside with the site significantly separated from Laverstoke and Freefolk (in excess of 1km) and its local facilities, and is not well served by public transport. The site does not have any physical or visual connection with the settlement of Laverstoke however in granting the Prior Approval, the Local Planning Authority acknowledged that the site could easily access local facilities within Laverstoke, where the village has a pub, village hall, and play area and is on a bus route. Notwithstanding the location, the current application is a revised scheme which seeks to overcome environmental harm which was deemed to arise within the previous scheme by the Planning Inspector. The proposed building would also need to meet current energy efficiency standards set by Building Regulations and through the imposition of planning conditions, seek to provide ecological improvements. The proposal therefore meets the sustainability objectives of the NPPF.

Affordable Housing

Local Plan Policy CN1 requires the provision of 40% affordable housing as part of new residential development with a tenure split of 70% rented and 30% intermediate products. This requirement is not limited to any minimum thresholds in terms of dwelling numbers. Whilst the requirements of the Local Plan are acknowledged, the NPPF (2018) provides an updated position whereby affordable housing 'should not be sought for residential developments that are not major developments other than in designated rural areas' (para 63). In being mindful of the NPPF, this site is not liable for contributions towards affordable housing.

Loss of Agricultural Land

The development proposal would result in the loss of a small area of agricultural land which is identified through the Agricultural Land Classification System (ALC) held by Natural England as Grade 3. The ALC grading sits at a strategic level and is not intended for site specific use, nevertheless the land is in agricultural use for grazing. The NPPF (para 171) requires Local Planning Authorities to direct 'significant' development to areas of poorer quality land. This development is not considered to be 'significant' development, due to proposing only a single dwelling which has the garden only encroaching into a field in arable use. It is therefore not considered that this requirement of the NPPF applies to the proposed development.

Impact on the character of the area/design

The NPPF (Chapter 12) states that creating high quality buildings and places is fundamental to achieving good planning and development. Locally, Policy EM1 states that development will be permitted only where it can be demonstrated that the proposals are sympathetic to the character and visual quality of the area and are supported by a comprehensive landscaping scheme. This sits in conjunction with Policy EM10 which requires development to be informed by the local context in terms of design and siting in order to contribute towards local distinctiveness and be visually attractive.

Julian's Barn is located within the South Test Down character area of the BDBC Landscape Assessment which is characterised by rolling chalkland and undulating topography giving high intervisibility interrupted only by woodland blocks, hedgerows and trees. There is also a sparse settlement pattern with isolated farmsteads and properties scattered through the area giving a distinctly rural feel to the landscape. In proximity to the application site, the landform slopes away to the north and east therefore allowing for generous views from the site across a gently undulating, open and uninterrupted arable landscape. Public rights of

way meander through this open landscape, to include the footpath set to the immediate north of the site and from further afield, provide views back to the site.

The existing barn is considered to be of a form, function and appearance commensurate with the rural landscape. The Planning Inspector similarly observed that the existing barn reflects 'the working, rural character of the farm buildings' thus it settles sensitively into the open countryside. The barn sits in proximity to a more traditional single storey building but does not dominate the setting having a comfortable relationship with the character of the site. Whilst located on the periphery of the site, the building does not have any undue prominence in the wider landscape. The previous scheme for this site, comprising a full two storey property was considered by the Inspector to have 'exposure', a 'lack of modelling' as well as being 'formless', 'plain' and having elevations of 'unrelieved rectangularity'. It was concluded to 'appear uncharacteristically formless' as well as being 'a comparatively out-of-scale and contextually out-of-place building in the countryside'. The appeal was therefore dismissed on the grounds of design.

The Inspector noted that dwellings are present in the vicinity of the site commenting that 'the larger houses in the area tend to have articulated footprints and forms with modelled roofscape' and that the local vernacular was composed of finer-grained materials such as brick and flint with limited areas of render. Therefore in addressing the design, the proposal has been remodelled with an alternative house design that has been better informed by the scale, massing and footprint of the existing barn and the surrounding form of properties. It remains that the proposed dwelling would be of a substantial scale with this emphasised by the additional massing within the roofscape, being most notable in views from the north and south but would be positioned upon a recessed ground level in order to ensure that the overall height does not exceed that as existing. The massing both visually and physically is additionally relieved by the lowered eaves, with windows extending into the gables or are served by dormers breaking the eaves together with a mix of ridge heights and materials.

The development would have an improved relationship with the surroundings and whilst it would materially change the appearance of the site from that of an agricultural barn to a purpose designed dwelling, the proposal would not be of a scale and massing that would result in significant overriding demonstrable harm. The elevational treatment lends itself to a more traditional appearance with the detailing and materials being more in keeping with the appearance of the surroundings and therefore assisting to ameliorate the impact of the built form in the landscape. The scheme now presented is deemed to be of an acceptable response to this rural setting, subject to the final material details being secured by condition. With such a condition in place, the development would accord with the requirements of Policy EM10 of the Local Plan.

Impact on neighbouring amenities

Policy EM10 considers the effect of development upon neighbouring residential amenities, addressing aspects such as privacy and private open space, light, noise and disturbance. In this regard consideration is given to both existing residential development in the vicinity of the site as well as the potential relationships between the proposed dwelling units.

The proposed development is located such that the dwelling would not have a boundary sitting contiguous with any existing residential property, with the nearest dwelling sitting to the northwest and offset from the proposal by approximately 33m. Whilst there would be a change to the existing wider outlook currently enjoyed by this neighbour, there would not be any demonstrable harm upon the privacy and amenity given the intervening distance.

The illustrative site layout accompanying the application demonstrates that the site can accommodate the amenity requirements of the dwelling with a formal front garden and a large private amenity space to the rear. Given the isolated location, the property would be

provided with a good level of privacy, amenity, daylight and sunlight. The proposal therefore accords with Policy EM10 (criteria 2b) of the Local Plan.

Highways and Parking

Policy CN9 (Transport) requires that highway movements are not of an inappropriate type or level as to compromise highway safety with safe and convenient access for potential users and with a compatible on site layout that include appropriate parking. The need for appropriate parking is additionally reflected within Policy EM10 with respect to ensuring that the amount, design, layout and location accords with parking standards. The site is situated within the 'Rural' area for the purposes of assessing NPPF Sustainable Transport Modes and the provision of residential motor vehicle and secure cycle parking provision plus refuse/recycling facilities.

- Traffic generation

The development proposes a traffic generating use however the volume of traffic generated by a single dwelling would not be materially different to the existing situation and thus have no overriding material impact upon the road network. There would be notable vehicular movements generated during the demolition and construction phases of the proposal which would access the site via a single width country lane which also serves the adjacent dwellings and commercial units. As such, it is reasonable to secure a Construction Traffic Management Plan to address traffic generation for this temporary period. There would be no works to this country lane and within the site, there is appropriate space for the manoeuvring of vehicles.

The access to the site also connects in part to Laverstoke Footpath 9 within the immediate vicinity of the site. This connection is only for a short length of approximately 110m, and whilst the development would result in an increase in domestic traffic using the right of way, the level of change is considered minimal and not sufficient to justify any refusal on the impact of users of the right of way.

- Parking

Julian's Barn is located within a 'rural' area for the purposes of assessing the parking requirements having regard to the Parking SPD. This requires that the proposed dwelling is provided with three car parking spaces. The development has been provided with hardstanding to the south of the property of approximately 6.4m by 18m which is sufficient for the parking of three vehicles in accordance with the standard.

The Parking SPD additionally set standards for the provision of secure cycle parking in association with new residential development requiring the provision of two long stay spaces and one short stay space for a property of four bedrooms or more. No indication has been provided within the submission of how this requirement would be met. Such provision nonetheless could be provided within secure storage (e.g. cycle shed) controlled by a planning condition given the large size of the curtilage proposed. Subject to the imposition of appropriate conditions, the proposal is considered to accord with Policies CN9 and EM10 of the Local Plan with respect to vehicle and cycle parking provision.

Storage and Collection of Waste and Recycling

The development would be expected to provide adequate provision for the storage of two wheeled containers and a glass collection box together with adequate space for containers to be presented for emptying by the collection operatives. The detail of such provision has not been provided within the application therefore it is reasonable to secure this provision by virtue of planning condition. With a condition in place, the proposal would accord with Policy

CN9 of the Local Plan.

Flood Risk and Drainage

The NPPF requires that new development should be either directed away from areas at highest risk or alternatively demonstrated to be flood resilient and resistant. This applies a sequential approach, taking advice from the Environment Agency and Lead Local Flood Authorities and is reflected locally within Policy EM7 which seeks to ensure that development is appropriately located. The Environment Agency Flood Risk Maps positions the majority of the application site as falling within Flood Zone 1 given the site a low risk of flooding (less than 1 in 1000 annual probability). Furthermore the site is not within an area which has been notified to the Local Planning Authority by the Environment Agency as having a critical drainage problem under the Town and Country Planning (Development Management Procedure)(England) Order 2010. On this basis the proposal is not considered to be at risk from fluvial or pluvial sources of flooding.

Natural Environment

Policy EM1 of the Local Plan seeks to provide protection to the landscape character of the borough having regard to visual amenity and scenic quality but also giving consideration to natural features such as trees and hedgerows which also have ecological functions.

The application site as demarcated by the red edge presently has no landscape features comprising the edge of an agricultural field. In considering the proposal, no boundary treatments have been illustrated on the submitted plans with the only annotations suggesting a variation in ground level. Given the visual impact of the development and intrusion into the adjacent arable land, it is appropriate to ensure that the curtilage to the property is appropriately demarcated to secure an acceptable relationship to the surrounding landscape in this prominent countryside location.

- Trees

The development site itself is devoid of tree cover however there are a number of individual trees set within very close proximity. Whilst the supporting Design and Access Statement indicates that the trees 'have limited individual value' in a countryside location, the closest trees are notable in their stature and presence within the site. The most notable tree sits to the south of the site and approximately 20m from the southern elevation of the existing barn. The proposed dwelling is sited close to, but outside of the canopy to this tree, albeit the canopy would overhang the hardstanding. The application has not been accompanied by any supporting information to demonstrate that the development has been informed by the tree constraints.

It is also notable that the previous application had a similar relationship to this same tree and was refused on the lack of supporting information. This reason for refusal however was not upheld by the Inspector who indicated that a planning condition would be sufficient to secure tree protection measures. Given that tree protection would need to be in place at the outset of works occurring on site, it is appropriate that tree protection is secured as a pre-commencement planning condition to ensure accordance with Policy EM1 of the Local Plan.

- Ecology and Biodiversity Conservation

The Council has a duty under the Natural Environment and Rural Communities Act 2006 to have full regard to the purpose of conserving biodiversity which extends to being mindful of the legislation that considers protected species and their habitats. These requirements are reflected within Policy EM4 of the Local Plan drawing from the NPPF (para 118). The site is not located within any area designated for its ecological importance with the ecological

interests primarily restricted to the field boundaries and trees. The proposal has been considered by the Biodiversity Officer with it concluded that that the development presents no overriding ecological constraints which would otherwise prevent development from occurring. It is however considered reasonable to secure new ecological enhancements in the form of a Habitat Enhancement and Management Plan to include, for instance hedgerow planting, provision of bat and bird boxes along with complementary lighting schemes to have regard to the countryside location. With appropriate conditions in place, the proposal accords with Policy EM4 of the Local Plan.

Contaminated Land

The NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing development from contributing to or being put at risk from unacceptable levels of pollution. Local Plan Policy EM12 also seeks to protect health and the natural environment from polluting effects as a result of existing, historic or nearby land uses and activities. On the grounds that the proposed development would be sensitive to the impacts of soil contamination, conditions securing the submission of a ground investigation and details of any necessary remediation are reasonable to secure as pre-commencement conditions to ensure compliance with Policy EM12 of the Local Plan.

Consultation with Environmental Health also identified that the barn is likely to contain asbestos containing materials. It has therefore been requested that further information comprising a method statement for the safe removal and disposal of asbestos containing materials be secured by planning condition together with a verification that safe disposal had occurred. These requirements however are controlled under separate legislation, the Control of Asbestos Regulations 2012, and therefore it is not considered necessary to duplicate other legislative controls. The need for safe removal and disposal is therefore to be subject of an informative.

Energy Efficiency

Policy EM9 of the Local Plan sets out a requirement to ensure that water resources within new development are used sustainably through the imposition of a water efficiency standard of 110 litres or less per person per day. The proposal has not been accompanied by any information demonstrating that such levels of water consumption will be achieved within the development; therefore a planning condition has been imposed to secure this standard.

Community Infrastructure Requirements

Basingstoke and Deane Borough Council implemented its Community Infrastructure Levy (CIL) on the 25th June 2018. The required forms have been submitted for CIL contributions to be calculated if applicable. From these forms, it would appear that the development would be CIL liable, but would attract a £nil charge in line with the Council's Charging Schedule because the development is for a single dwelling.

Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan – drawing no 006 Revision P2
 - Proposed Site Plan – drawing no 011 Revision P1
 - Proposed Floor Plans – drawing no 021 Revision P1
 - Proposed Elevations – drawing no 031 Revision P1

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

- 2 The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

- 3 No development or other operations (including demolition or storage of materials on site) shall commence on site until an Arboricultural Impact Assessment and Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. The tree protection scheme shall be in accordance with BS5837:2012 'Trees in Relation to Design, Demolition and Construction' and include, but not be limited to best arboricultural practice details concerning: site clearance, ground preparation, protective fencing, ground protection, working procedures, arboricultural supervision and any special engineering solutions found to be necessary to include, but not limited to ensuring the retention of trees where positioned in close proximity to proposed car parking, creation of the curtilage and the erection of the dwelling. The approved tree protection shall be erected prior to any site activity commencing and maintained until completion of the development. No development or other operations shall take place other than in complete accordance with the Tree Protection Plan.

REASON: Details are required prior to commencement because insufficient information has been submitted with the application in this regard, and to ensure that reasonable measures are taken to safeguard important landscape trees in the interests of local amenity and the enhancement of the development itself, in accordance with Policies EM1 and EM10 of the Basingstoke and Deane Local Plan 2011-2029.

- 4 No development or other operations (including demolition or storage of materials on site) shall commence on site until a plan showing the location of all existing and proposed utility services has been submitted to and approved in writing by the Local Planning Authority. This shall include gas, electricity, communications, water and drainage with the position of proposed utility services to be positioned having regard to existing and proposed trees as illustrated on any landscaping scheme. No development or other operations shall take place other than in complete accordance with the Utility Plan.

REASON: Details are required prior to the commencement of development because insufficient information accompanies the planning submission and to ensure that reasonable measures are taken to safeguard trees in the interests of local amenity and the enhancement of the development itself, in accordance with the National Planning Policy Framework (2018) and Policy EM1 of the Basingstoke and Deane Local Plan 2011- 2029.

- 4 No development shall take place, including any works of site clearance, until a Construction Method Statement with details, schedules and drawings that demonstrates safe and coordinated systems of work affecting or likely to affect all motorised and or non-motorised highway users and traffic serving Laverstoke Grange has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall include for:

- i. compliance with The Construction (Design and Management) Regulations 2015 and in particular Part 3 Regulation 8 General duties, whereby construction must be undertaken 'in a manner that secures the health and safety of any person affected by the project.'
- ii. means of access (temporary or permanent) to the site from the adjoining maintainable public highway;

- iii. the parking and turning of vehicles of site operatives and visitors off carriageway (all to be established within one week of the commencement of development);
- iv. loading and unloading of plant and materials away from the maintainable public highway;
- v. storage of plant and materials used in constructing the development away from the maintainable public highway;
- vi. wheel washing facilities or an explanation why they are not necessary;
- vii. measures to control the emission of dust and dirt during construction;
- viii. a scheme for recycling and disposing of waste resulting from construction work; and
- ix. the management and coordination of deliveries of plant and materials and the disposing of waste resulting from construction activities so as to avoid undue interference with the operation of the public highway, particularly during the Monday to Friday AM peak (08.00 to 09.00) and PM peak (16.30 to 18.00) periods.

REASON: Details are required prior to commencement because insufficient information has been provided with the application and to ensure that the construction process is undertaken in a safe and convenient manner that limits impact on local roads and the amenities of nearby occupiers, the area generally and in the interests of highway safety and in accordance with Policies CN9 and EM10 of the Basingstoke and Deane Local Plan 2011 - 2029.

6. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority:-

(a) a site investigation report documenting the ground conditions of the site and incorporating chemical analysis identified as being appropriate by the councils Environmental Health team and in accordance with BS10175:2011- Investigation of Potentially Contaminated Sites - Code of Practice;

and, unless otherwise agreed in writing by the Local Planning Authority,

(b) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants/or gases when the site is developed. The scheme must include a timetable of works and site management procedures and the nomination of a competent person to oversee the implementation of the works. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 and if necessary proposals for future maintenance and monitoring.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EM12 of the Basingstoke and Deane Local Plan 2011-2029.

7. The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of condition 6(b) that any remediation scheme required and approved under the provisions of condition 6(b) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise;

- as built drawings of the implemented scheme;
- photographs of the remediation works in progress;
- Certificates demonstrating that imported and/or material left in situ is free of contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 6(b), unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EM12 of the Basingstoke and Deane Local Plan 2011-2029.

8. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or internal painting or fitting out, shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public or bank holidays.

REASON: To protect the amenities of the occupiers of nearby properties during the construction period and in accordance Policy EM12 of the Basingstoke and Deane Local Plan 2011-2029.

9. No deliveries of construction materials or plant and machinery and no removal of any spoil from the site, shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public or bank holidays.

REASON: To protect the amenities of the occupiers of nearby properties during the construction period and in accordance Policy EM12 of the Basingstoke and Deane Local Plan 2011-2029.

10. Notwithstanding the details submitted, no development above ground floor slab level shall commence until details of the materials and finishes for the external surfaces to be used together with samples have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the details so approved.

REASON: Details are required because insufficient information has been submitted with the application in this regard, in the interests of the visual amenities of the area and in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

11. No development above ground level (excluding demolition) shall take place until full details of both hard surfacing and soft landscape proposals, to include boundary treatments to demarcate the residential curtilage of the site from the agricultural land, have been submitted to and approved in writing by the Local Planning Authority. The boundary to the agricultural land shall include, but not be limited to native hedgerow therefore details shall comprise as a minimum:

- Planting plans detailing the specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers/ densities where appropriate. This should also include a schedule of tree planting to include the specification of tree planting pits where appropriate with details of any irrigation

or drainage infrastructure, tree root barriers (if necessary) to prevent damage or disruption to any proposed hard surfacing or underground services, drains or other infrastructure sufficient to demonstrate how the development is to be serviced without conflict to proposed tree planting, with allowance for reasonable growth.

- Hard landscape details shall include the design, type, position and scale of boundary treatments to support the boundary hedgerow, any other boundary treatment materials (including finishes) and hardsurfacing materials.
- A programme of landscape implementation.
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The approved hard and soft landscaping shall be carried out in accordance with the approved details and implementation programme with the soft landscaping scheme to be carried out in the first planting and seeding seasons following the first occupation of the development unless otherwise agreed in writing with the Local Planning Authority. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved, to be agreed in writing by the Local Planning Authority.

REASON: Details are required in the absence of being included within the application submission and to ensure the provision, establishment and maintenance of a high standard of landscape in accordance with the approved designs and in accordance with Policy EM1 of the Basingstoke and Deane Local Plan 2011-2029.

12. No development above ground floor slab level shall commence on site until a Construction Statement detailing how the new homes shall meet a water efficiency standard of 110 litres or less per person per day unless otherwise agreed in writing with the Local Planning Authority through a demonstration that this requirement for sustainable water use cannot be achieved on technical or viability grounds. The development shall be carried out in accordance with the approved details.
REASON: In the absence of such details being provided within the planning submission, details are required to ensure that the development delivers a level of sustainable water use in accordance with Policy EM9 of the Basingstoke and Deane Local Plan 2011-2029.
13. The development shall not be occupied until a wildlife mitigation, protection and enhancement plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of habitat management for creating and maintaining on-site habitats. The development shall be carried out and retained in accordance with the approved details within three months from first occupation.
REASON: The site is located within a rural position therefore measures are required to provide for the long term enhancement of nature conservation interests and provide biodiversity gains in accordance with advice contained within the National Planning Policy Framework (2018) and Policy EM4 of the Basingstoke and Deane Local Plan 2011-2029.
14. The development hereby permitted shall not be occupied, or the approved use commence, whichever is the sooner, until provision for the storage and collection of all refuse and recycling has been made within the curtilage of the site. The areas so provided shall be retained and used for their intended purposes in perpetuity.
REASON: In the interests of highway safety and in accordance with Appendix 3 – Storage and Collection of Waste and Recycling of the Basingstoke and Deane Design and Sustainability Supplementary Planning Document (2018) and Policy CN9 of the Basingstoke and Deane Local Plan 2011-2029.
15. The development hereby permitted shall not be occupied, or the approved use commence, whichever is the sooner, until provision has been made for the parking of

three motor vehicles within the curtilage of the site. The area of land so provided shall not be used for any purpose other than for the parking of vehicles and the areas so provided shall be retained and kept free of obstructions and used for their intended purpose at all times.

REASON: In the interests of highway safety and in accordance with Policies EM10 and CN9 of the Basingstoke and Deane Local Plan 2011-2029.

16. The dwelling hereby permitted shall not be occupied until provision is made for the parking of two vehicles and storage for a minimum of three cycles within the curtilage of the dwelling. The facilities so provided shall not be used for any purpose other than the parking of vehicles and storage of cycles, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of highway safety and in accordance with Policies EM10 and CN9 of the Basingstoke and Deane Local Plan 2011-2029.

17. No external lighting shall be installed onsite unless details have first been submitted to and approved in writing by the Local Planning Authority. Any external lighting scheme shall include full lighting specifications and address the cumulative effects of all external lighting sources upon nocturnal animals sensitive to external lighting and should be in line with guidance provided by the Bat Conservation Trust concerning lighting and bats. The lighting shall be installed in accordance with the approved details and shall thereafter be operated and maintained in accordance with the approved scheme.

REASON: In the interests of the countryside location and to maintain the biodiversity of the area in the long term in accordance with Policies EM1 and EM4 of the Basingstoke and Deane Local Plan 2011-2029.

Informative(s):-

1. 1.1 The applicant's attention is drawn to the fact that the above conditions (if any), must be complied with in full, failure to do so may result in enforcement action being instigated.

1.2 This permission may contain pre-commencement conditions which require specific matters to be submitted and approved in writing by the Local Planning Authority before a specified stage in the development occurs. This means that a lawful commencement of the approved development CANNOT be made until the particular requirements of the pre-commencement conditions have been met.

1.3 The applicant's attention is drawn to the fact that the Local Planning Authority has a period of up to eight weeks to determine details submitted in respect of a condition or limitation attached to a grant of planning permission. It is likely that in most cases the determination period will be shorter than eight weeks, however, the applicant is advised to schedule this time period into any programme of works. A fee will be required for requests for discharge of any consent, agreement, or approval required by a planning condition. The fee chargeable is £116 or £34 where the related permission was for extending or altering a dwelling house or other development in the curtilage of a dwelling house. A fee is payable for each submission made regardless of the number of conditions for which approval is sought. Requests must be made using the standard application form (available online) or set out in writing clearly identifying the relevant planning application and condition(s) which they are seeking approval for.

2. In accordance with paragraph 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following positive and creative manner:-

- considering the imposition of conditions (in accordance with paragraphs 54-57).

In this instance:

- the applicant was updated of any issues after the initial site visit;
- the application was acceptable as submitted and no further assistance was required.

In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.

3. Consent under the Town and Country Planning Acts must not be taken as approval for any works carried out within or over any footway, including a Public Right of Way, carriageway, verge or other land forming part of the publicly maintained highway. The development will involve works within the public highway. It is an offence to commence those works without the permission of the Local Highway Authority. In the interests of highway safety the development must not commence on-site until permission has been obtained from the Local Highway Authority authorising any necessary works, including street lighting and surface water drainage, within the publicly maintained highway. Public Utility apparatus may also be affected by the development. Contact the appropriate public utility service to ensure agreement on any necessary alterations.

Advice about works within the public highway can be obtained from Hampshire County Council's Area Office, telephone 0845 603 5633.

4. The applicant is advised that any asbestos identified to be present on site shall be removed and disposed of by a licensed asbestos contractor in accordance with the Control of Asbestos Regulations 2012.
5. All bat species are protected under the Conservation (Natural Habitats, &c.) Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). Legal protection covers bats and elements of their habitats. A Low Impact European Protected Species Licence will be required in order to allow prohibited activities, such as disturbing bats or damaging their breeding sites or resting places, for the purpose of development. It would be advisable to contact Natural England for further information in this regard on 0845 601 4523.
6. Birds nests, when occupied or being built, receive legal protection under the *Wildlife and Countryside Act 1981* (as amended). It is highly advisable to undertake clearance of potential bird nesting habitat (such as hedges, scrub, trees, suitable outbuildings etc.) outside the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. If there is absolutely no alternative to doing the work in during this period then a thorough, careful and quiet examination of the affected area must be carried out before clearance starts. If occupied nests are present then work must stop in that area, a suitable (approximately 5m) stand-off maintained, and clearance can only recommence once the nest becomes unoccupied of its own accord.
7. If this development will result in new postal addresses or changes in addresses, please contact the council's Street Naming and Numbering team on 01256 845539 or email shirley.brewer@basingstoke.gov.uk to commence the process. Details can be found on the council's website.

