

DELEGATED OFFICER REPORT

Application Ref: F/24/97487

Site Address: MOORGREEN FARMHOUSE, MOORGREEN FARM, BURNETTS LANE, WEST END, SOUTHAMPTON, SO30 2HH

Case Officer: Gary Osmond

Description: Conversion of C3 office/store to C1 holiday-let

Particular Site Constraints?	Yes ☒	No ☐
- Outside the urban edge - Within the curtilage of a listed building - Within HRA screening area - Within Solent Protection Area – Recreational Disturbance Zone		

Planning History?	Yes ☒	No ☐
F/23/95117 – Conversion of first floor of existing detached garage to C1 AirBnB – Refused June 2023 (Dismissed at Appeal May 2024)		
H/22/93563 & L/22/93565 – Installation of solar panels on garage roof – Approved Oct 2022		
H/21/91427 – Detached garage with storage and office above and new stone driveway – Approved Nov 2021		
H/17/81675 & L/17/82196 – Single storey side extension – Approved Dec 2017 & Feb 2018		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	None received.		
Parish Council:	No comment received.		
Heritage:	As this application does not involve any further change to the exterior of the building it will not affect the setting of the adjacent listed buildings themselves, so I have no need to make any further comment. It is a change of use issue which will not be a sufficient change to affect the setting of the heritage assets, i.e. The Farmhouse and Granary. No objection from a heritage viewpoint.		
Highways:	No objection.		
Environmental Health:	No objection provided any noise emissions from the foul drainage package treatment plant is acceptable and does not result in disturbance to neighbouring residential properties.		
Ecology:	No objection. Installation of bat and bird nest boxes requested.		
Natural England:	No comment received within statutory 21 day consultation period.		

Site Visit:	Yes ☐	No ☒
The case officer has dealt with previous applications at the application site and sufficient details were available from the previously refused application.		

Policy:**National Planning Policy Framework
Planning Practice Guidance****Development Plan:**

The Eastleigh Borough Local Plan 2016-2036 The most relevant policies are Strategic policies S1, S2, S5, S8 & S12; and Development Management policies DM1, DM2, DM8 DM11, DM12, DM13 & DM14.

Supplementary Planning Documents:

Quality Places; Residential Parking Standards; Character Area Appraisals.

Assessment:**Site Context:**

The site forms part of the curtilage of a listed former farmhouse which lies outside the urban edge adjacent to a number of other listed and unlisted farm buildings which have been converted into residential dwellings. The surrounding area is predominantly paddocks used for grazing horses, relatively flat with typical hedgerow boundary treatments with sporadic trees.

Proposals:

The application seeks consent for the use of the first floor loft of a recently constructed detached garage as a holiday-let. This differs from the original consent (H/21/91427) which showed the first floor as being used for storage and home office, i.e. ancillary to the main dwelling. The holiday-let is already in use, having commenced in March 2023.

Policy & Principle:

The application site falls within designated countryside and, as such Policy S5 of the Eastleigh Borough Local Plan (2016-2036) is of relevance. This policy sets out that there are specific criteria which development must comply with in order for it to be acceptable within the countryside.

Section 1 of Policy S5 notes that limited development may be acceptable in the countryside to support the needs arising from rural activities and communities. The policy defines the types of development which would be compatible within the countryside (including tourist accommodation through the re-use of buildings). Section 2 clarifies such development should also meet a number of criteria to avoid harm to the environment.

Criteria (c) of section 1 allows for community tourist or visitor uses through the re-use of building. Whilst it is not entirely clear if the original consent was ever fully implemented, i.e. the first floor used as office accommodation, it is considered that the general requirements of Policy S5 criterion (c) are met. As such, the proposals are considered to be acceptable in principle.

Also of relevance are Policies DM1 and DM12.

Policy DM1 stipulates that all new development should be of a good quality design, respect the character and appearance of area, take full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbouring, and be compatible in terms of mass, scale, layout density, design and siting. It also requires new development to minimise its impact upon the amenity of neighbouring occupiers and uses.

Policy DM12 relates to heritage assets, which include locally and nationally listed buildings, as well as conservation areas and other heritage designations, such as historic parks and gardens. In this instance the main heritage asset is Moorgreen Farmhouse and its associated former farm buildings.

Appeal:

As noted above, the previous application (F/23/95117) was refused at committee – overturning the officer recommendation to approve – and later dismissed at appeal. However, whilst the Inspector found no issue with the use of the garage's first floor as a holiday-let in terms of impact upon the character of the area, the amenity of neighbouring properties, or upon any heritage assets, they did highlight the impact of additional overnight accommodation upon the Solent and New Forest SPAs, both through increased nutrients and recreational disturbance. The Inspector, in their roles as competent authority for the purposes of the Conservation of Habitats and Species Regulations 2017 was not satisfied that adequate mitigation for these impacts had been secured, and consequently dismissed the appeal on those grounds.

Assessment:

This latest application is identical to that previously considered at committee and dismissed at appeal. The previous application was refused for two reasons: insufficient information to demonstrate the 're-use' of the building in accordance with Policy S5; and failure to secure appropriate mitigation towards impacts upon the SPAs. The first reason was tested at appeal, where the Inspector took the view that whilst the office element of the original approval may never have been implemented, construction of the garage and space above was. As such, the original consent had commenced and use of the first floor as a holiday-let did constitute a change of use or re-use of the building. Whilst this interpretation of Policy S5 may not have been originally intended, the Inspector saw no harm with the holiday-let use and felt it was appropriate for the locality and would not result in any unacceptable harm to neighbouring occupiers, uses, listed buildings or the wider character of the locality.

The view of the Inspector is a significant material consideration in determining this latest application and carries greater weight in planning terms than that of the previous committee decision. As such, the use is considered to be acceptable provided appropriate mitigation towards the development's impact upon recreational disturbance and nutrient loads is secured.

Recreational Disturbance:

The site is within the 13.8km catchment area for the New Forest Special Protection Area. It is recognised that new residential developments within this catchment area is likely to result in additional visitors to these protected sites. Again, Eastleigh Borough Council has set up a mitigation strategy to address this issue which is available to the applicant. Whilst the appeal Inspector followed the advice of Natural England, who have raised issues with the suitability of the Council's New Forest mitigation scheme – resulting in the appeal being dismissed – the LPA is satisfied that the scheme is appropriate and suitable for the nature of the development.

The site also falls inside the 5.6km buffer zone for the Solent SPA. It is recognised that new housing developments within these catchment areas are likely to result in additional visitors to these protected sites.

In order to mitigate for these impacts, the applicant has provided contributions towards the Solent Recreational Disturbance Strategy and the Council's New Forest Mitigation Strategy (which provides Suitable Alternative Natural Green Spaces within the borough).

Nitrates:

Natural England have advised that the increase in wastewater from new housing developments within the borough is having a detrimental effect on the quality of water entering the Itchen and Solent catchment areas through nitrification. As such all developments for additional housing are required to reach nutrient neutrality (ensuring that development does not add to existing nutrient burdens), in order to meet the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended).

The application site is not connected to mains drainage but does use a packet treatment plant which ultimately will feed into the Solent. As such the proposed development is

required to achieve nutrient neutrality for nitrogen. Eastleigh Borough Council has a scheme which takes land out of agricultural uses and creates recreational spaces, thus reducing the nutrient output of the land. This scheme is available to the applicant, although they have not confirmed if they intend to make use of this scheme or provide another form of mitigation. In either case, suitable mitigation can be secured by way of an appropriately worded planning condition which given the development is already in use will require evidence that appropriate mitigation has been secured within three months of planning approval being granted.

Habitats Regulations:

Any proposed residential development in this area will have a likely impact upon The Solent SPAs. As such, an Appropriate Assessment under the Habitats Regulations has been completed and forwarded to Natural England for comment. However, no response has been received following the necessary consultation period. This does not prevent the LPA from determining the application as it ultimately acts as the competent authority for the purposes of the habitat regulations.

Other Material Considerations:

The development is considered acceptable and complies with the above mentioned policies from the 2016-2036 local plan, in that:

- The development does not alter the form, scale or appearance of the existing building.
- The development does not have any unacceptable impact upon the adjacent listed buildings or their settings.
- The development would not be an overdevelopment of the site, would retain sufficient amenity space and meet parking standards.
- The development accords with guidance set out in the 'Quality Places' SPD in that there will be no unacceptable impact on the amenity of the neighbouring properties in terms of loss of privacy, light or outlook.
- The design and layout respects the character and appearance of the locality.
- There will be no adverse impact upon trees or other natural features worthy of retention.
- There are no likely significant impacts on the SPA.

Climate Change:

In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020–2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.

The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF, development plan and adopted local plan policy do not set this as a specific target, but it is a material consideration to be considered alongside all other material considerations. In any case addressing climate change is a core part of the NPPF and local plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the adopted local plan, as is an assessment of climate impacts.

When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change and is expected to reduce/limit impacts on climate emissions as a result of the development or its use.

Equalities Implications:

Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:

- A public authority must, in the exercise of its functions, have due regard to the need to:
 - a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications

Conclusion:

Recommendation:

PERMIT ☒**REFUSE** ☐

For the reasons set out above, the application is recommended for approval subject to conditions relating to:

- Approved drawings
- Use limited to that of a C1 holiday-let
- Securing nutrient mitigation within three months