

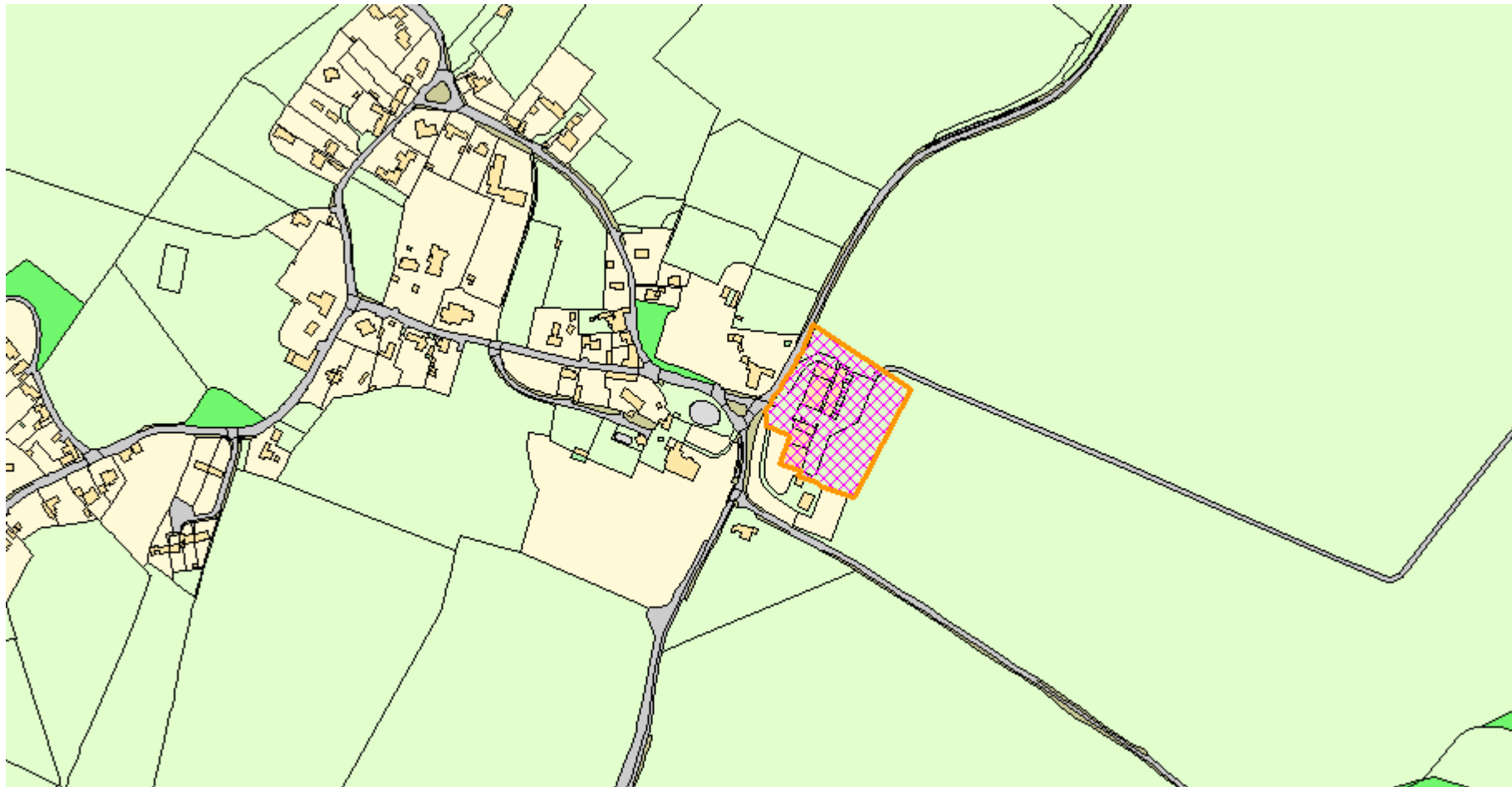
Report to **Planning Committee**  
Date **09 November 2023**  
By **Director of Planning**  
Local Authority **Winchester City Council**  
Application Number **SDNP/23/01969/FUL**  
Applicant **Mr and Mrs Le May**  
Application **Demolition of existing farm buildings and construction of new farmstead to provide two self-contained tourist lets with associated utility, refuse, cycle and storage facilities, farm machinery and livestock support building, farm office with associated plant and storage, relocation of swimming pool (as previously granted under SDNP/21/01206/LDP), and an associated scheme of hard and soft landscaping.**  
Address **Newlyns Farm, Stakes Lane, Upham, Southampton, Hampshire, SO32 1QA**

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**Recommendation:**

- 1) That planning permission be granted subject to:
    - i) Resolution of the issue of nitrates from foul water, the consideration of which is delegated to the Director of Planning.
    - ii) The conditions at paragraph 9.2 of this report.
  - 2) That authority be delegated to the Director of Planning to refuse Planning Permission, with appropriate reasons, if within 6 months of the 9 November 2023 Planning Committee meeting the impact from nitrates has not been satisfactorily addressed.
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## Site Location Map



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## Executive Summary

### Key Matters

- **The application is before Members again, following the 14 September 2023 committee meeting where it was resolved to grant planning permission, in response to:**
  - 1) receipt of amended plans from the Applicant in response to local concern which removes the padel court (and thus has required a subsequent re-consultation exercise undertaken by officers).
  - 2) Providing greater clarity in relation to the relevance of policies, particularly SD39 and SD40, for the purposes of decision making.
- The site lies within designated countryside, on the eastern edge of Upham, and within the conservation area that covers the village. It is occupied by redundant barns formerly used for pig farming which are reasonably prominent in views from within the village and can be seen on the Monarchs Way which runs alongside the site and through fields further south. The site therefore is in a sensitive location.
- The application proposes to re-develop the site with a scheme that is sensitive to its landscape and cultural heritage context. It adopts an approach to layout and design that is informed by traditional farmsteads to accommodate the proposed two holiday lets and farm related office/meeting room and other storage. Local concern, however, has been raised about the siting, scale and design of the new buildings and their proposed uses.
- The scheme is considered to be acceptable in principle under policies SD25, SD23, SD39 and SD40 in relation to the agricultural related and new tourism elements of the development in this countryside location and that it relates to farm diversification. It is considered that the scale and design of the proposals are satisfactorily informed by positive precedents of farmsteads and its surrounding context. The character and appearance of the conservation area would also be preserved and enhanced by the proposals and in these respects policies SD12 and SD15 are accorded with. Biodiversity net gain is satisfactorily proposed in relation to policy SD9 and the First Purpose
- The scheme is required to achieve 'nitrate neutrality' given the site's location within the catchment of the Solent Special Protection Area. An updated technical report has been received which provides detail on the amount of nitrates that are needing to be mitigated. The Applicant proposes to achieve this via the purchase of off-site credits from a strategic off setting scheme. This has not yet been secured and therefore the resolution of this issue is recommended to be delegated to the Director of Planning.
- The application is before Members due to the sensitive countryside location of the site and the scale, design and nature of the proposals.

### **I. Site Description**

- I.1 The site is located on the eastern edge of Upham. It covers 0.9 hectares and comprises of large disused barns and their surrounding yard areas. The site was formerly used for pig farming and is still part of a large farm which is now almost entirely arable, with some livestock grazing.
- I.2 The barns can be seen from the immediate surrounding area of the village pond, when looking through the site's wide farm access on Stakes Lane. The barns are reasonably prominent in these views and the land slopes west to east through the site whereby the heights of the barns further from the Lane become lower. There are also focussed views through the access and between the barns to the wider fields beyond the site. There is also a relatively new farmhouse on the southern side of the barns and on lower ground, which also shares the same access.
- I.3 The site is within the eastern extent of a conservation area that covers most of Upham. This includes the village pond near and west of the site and a small triangular road junction with a grassed area in the middle with a bench, where there are views through the site. There are

dwellings on the opposite side of Stakes Lane near to the site and further west there is a denser arrangement of historic traditional dwellings on Church Street and Shoe Lane, many of which are listed.

- 1.4 The Monarchs Way runs alongside the northern site boundary and through the fields to the east into a valley. From this public right of way the site can be seen both when immediately walking past the site and in more distant views along the path, where it is seen on higher ground with minimal boundary planting along the eastern site boundary.

## 2. Relevant Planning History

- 2.1 SDNP/18/03698/FUL: Demolition of existing farm buildings, construction of three dwellings, formation of village green, provision of communal parking and re-alignment of public footpath to original position. Refused 16.08.2018.
- 2.2 SDNP/18/05423/PRE: Residential development for four houses. Advice issued 18.03.2019.
- 2.3 SDNP/19/01305/LDE: Continuous occupation of dwelling outside of agricultural occupancy planning condition. Granted 14.03.2022.
- 2.4 SDNP/21/01206/LDP: Construction of Swimming pool, incidental outbuilding and two porches. Approved 16.04.2021.
- 2.5 SDNP/21/02849/PA3A: Change of use from agricultural building to commercial office use. Prior Approval granted 16.07.2021.
- 2.6 SDNP/22/03115/PRE: Farm redevelopment including demolition of existing barns and replacement buildings to facilitate tourism, community space and agricultural uses. Advice issued 16.09.2022. This advice outlined:
- Proposals could be acceptable in principle, subject to a satisfactory design and the environmental attributes of a scheme, as a whole;
  - Layout and design informed by farmsteads is a likely acceptable approach; buildings should not appear overly domestic in character;
  - Biodiversity net gain required;
  - A satisfactory design needs to conserve and enhance the conservation area;
  - Need to make a positive contribution to the National Park;
  - Nitrate neutrality needs to be addressed.

## 3. Proposal

- 3.1 The application proposes a new build 'U' shaped barn in the northern part of the site, whilst opposite a smaller second new build barn is proposed in the southern part of the site. In between the two barns would be an enclosed gated farm yard access that would allow for access into the adjacent fields. A new car parking area is proposed in front of the U shaped barn. A swimming pool on the southern side of the smaller barn is also proposed.
- 3.2 The U-shaped barn would accommodate 2no. 3 bed holiday lets and agricultural storage, bin and cycle stores and general storage and utility space. It would comprise of traditional agricultural forms and materials like stone, brick, timber cladding and slate for the 'wings' of the building, with a contemporary architecture for the central element of the building which would be clad in timber with a zinc roof and overhang supported by timber framework. On the northern side of this building, an area of grass would replace the formerly proposed padel court as shown on the revised plans.
- 3.3 The smaller barn opposite would be used as a new farm office and for further storage in association with the agricultural enterprise. It would have a rectangular footprint and gabled roof to create a simple and traditional building form. It would be faced with stone and brick detailing.
- 3.4 On the southern side of the proposed farm office a swimming pool is proposed. It would be used for the private enjoyment of the applicants in association with their dwelling

immediately adjacent to it. A swimming pool within the curtilage of the dwellings was granted a lawful development certificate as permitted development and the proposed pool seeks to re-position it. The pool would still be within the curtilage of this property.

Sustainability

- 3.5 Solar panels are proposed on south facing roof slopes of the two barns. Energy and water efficient measures within the buildings are also proposed. Electric vehicle charging points within the parking area are also proposed.

Parking and access

- 3.6 The existing access is proposed to be retained. A new car parking area in front of the U shaped building is proposed.

Ecology, biodiversity and landscaping

- 3.7 The proposed landscape strategy involves retaining and enhancing existing boundary hedgerows and planting further hedgerow and trees adjacent to the public right of way. New grassland would be created into the site between the two proposed barns from the adjacent field. A small orchard of fruit trees is also proposed.
- 3.8 There are proposals to restore chalk grassland in the field next to the site and to create a new dew pond, however, these are measures which are more related to the environmental stewardship and conservation of the Applicant's farm.
- 3.9 As a result of the landscape proposals, there would be a 17% net gain for habitat creation and a 57% net gain in hedgerow planting. Bird nesting boxes are proposed to be incorporated into the buildings.

**4. Consultations**

- 4.1 Responses received from a range of consultees are summarised below. Apart from further responses from dark night skies, Southern Water, the Highways Authority (who's advice remains unchanged) and Upham Parish Council no other consultees have currently responded to the re-consultation exercise and the comments below summarise their original responses.

- 4.2 **Dark Night Skies:** No objection.

- 4.3 **Design:** Support, subject to addressing the following:

- Introduction of clay red tiles into the scheme.
- Traditional brick bond needed within the external finishes.
- Consider whether external lighting is needed.
- A requirement to consider sample materials.
- Sustainable construction (policy SD48) requires further consideration.

- 4.4 **Drainage:** Neutral comment – query whether onsite infiltration SUDs could be better utilised and how swimming pool overspill would be appropriately managed. Recommend either surface and foul water pre-commencement conditions or issues are addressed before determination.

- 4.5 **Ecology:** No objection, subject to conditions.

- 4.6 **Environment Agency:** No objection, subject to condition.

- 4.7 **Environmental Health:** No objection in principle. The consultee has not responded to the latest consultation and previously provided more detailed comments in regard to the now removed padel court.

- 4.8 **Highways:** No objection, subject to conditions.

- 4.9 **Historic Buildings Advisor:** Support, subject to addressing the below and require conditions for materials and finishes.

- Introduction of clay tiles on the timber clad element of the H shaped barn.
- Proposed zinc roof be replaced with corrugated metal.
- Solar panels will compromise the success of the design and consider alternatives.

4.10 **Landscape:** Support, subject to the following amendments and conditions:

- Fewer material changes around the farm yard – low key, simple materials expected to conserve working farm character.
- Support Historic Buildings Advisor’s views on materials but less concerned about the impact of solar PV panels given new build buildings and views.
- Remove lighting bollards to avoid clutter. Limit lighting to that mounted on buildings.

4.11 **Natural England:** Further information required:

- Clarification, further evidence (eg. former and current land uses, performance of proposed private foul treatment plant) and a re-calculation of nitrates required, based on latest guidance.
- Mitigation will be required pending the recalculation of nitrate outputs from the development.
- Long term monitoring and management strategy required for private treatment plants.

4.12 **Public Rights of Way:** No objection, subject to conditions.

4.13 **Upham Parish Council:** Objection for the reasons below:

- Overall, concern about the scale of development; amount of floorspace and design issues; and negative impact upon the conservation area.
- Compatibility of holiday and farm uses; and useability of the tractor storage.
- Question the need for large holiday lets; plus building larger than it needs to be to deliver these 2 holiday lets.
- Size of the farm office/meeting room unjustified; question its usability for school visits.
- Significant development within the conservation area; footprint of largest barn bigger than other buildings in the conservation area, in a sensitive and prominent location.
- Proposals not akin to a traditional farmstead in dimensions and roof span, given other farmsteads used to inform the design; reduced scale would better relate to a farmstead.
- Question whether the buildings are landscape led.
- The level of daylight to bedrooms, given window sizes.
- Noise and disturbance, including from any large parties and padel court (now removed) upon the tranquillity of the area and adjacent properties.
- Impact on dark night skies.
- Illogical location for the swimming pool.
- Welcome the removal of the padel court.
- Question the financial viability in regard to build costs and return and would not provide a long term benefit to the Farm.
- Build quality of the scheme may be reduced through value engineering, which would be harmful.
- Lack of Diversification Plan has risk of the over-sized buildings not being fit for purpose, in a conservation area, and requiring a future alternative use.
- Contrary to policy SD40.

- Query whether permitted development rights would be removed.

Positive comments within overall objection

- Principle of re-developing the site for the proposed uses is acceptable.
- Opening up views from within the village to the wider fields supported.
- Given scale of buildings, the quality of materials and detailing is crucial.

4.14 **Southern Water:** Comments – need to ensure effective long term management of drainage.

**5. Representations**

5.1 7 objections have been received which all relate to the original consultation of the application, and 2 further responses have been received from previous contributors in response to the amended plans. All responses outline the following:

Principle and uses

- Contrary to First Purpose and policy SD1; benefits do not outweigh landscape impact.
- Would not contribute to the social and economic needs of Upham.
- No economic justification and superfluous to how the Farm is managed.
- Insufficient evidence that the proposals are financially viable, to ensure the buildings are sustainable long term, and a genuine need for farm diversification.
- Village already has places which can be used for meetings.
- Question the need for school trips and what they would entail.
- Most sustainable approach is to demolish buildings and restore to greenfield – a starting point for considering the site’s re-development.
- Consent will establish building volume and footprint for any future planning applications.
- The development may eventually become residential properties.
- Potential ground contamination given former use – survey required.
- Holiday lets likely to involve staff being on hand, but no accommodation for them.

Scale and design

- Multiple uses in close proximity incompatible with each other.
- Excessive scale of buildings given the proposed uses.
- Size of the buildings would allow for a large number of people to visit the site for a variety of reasons (eg. yoga retreat, weddings, parties/large gatherings).
- Form and massing inappropriate; will be a visually intrusive development.
- New barn would have a larger footprint than anything in the conservation area.
- No cost engineering of the proposals and to produce efficient floor plan.
- Unconvincing architectural approach; wrong to describe as a farmstead and unsuitable/out of scale for its intended purpose.
- Padel court (now removed) and swimming pool increase the amount of built form; would be incongruous within a farmstead and cause landscape and visual harm.
- Highest sustainability standards not reached and proposals lack detail. Sustainability not core in the design and more environmentally friendly to not build in the countryside.
- Internal spaces would feel uncomfortably large; heights would allow for an upper floor.

- Size of windows unrelated to the scale of the building and insufficient internal daylight.- Larger windows needed. Window on north elevation blocked by padel court (now removed).
- Highly visible and excessive glazing in views from the east; plus dark night skies impact.
- Poorly sited padel court (now removed) and swimming pool poorly located next to the farm office.
- Unlikely to comply with Building Regulations (fire and acoustic standards).

#### Amenity

- Noise and disturbance from the uses, including the now removed padel court. This includes a Technical Advice Note commissioned by a third party to assess noise impacts of the padel court.
- Holiday accommodation could attract large groups.
- Amenity impact upon the Monarchs Way.
- More intensive use of the site by compared to previous uses, including increased traffic.
- Tree planting would block views from neighbouring dwelling.
- Impact on tranquillity of the village.

#### Counsel Opinion from a third party

The Opinion raises 4 overarching points, as follows:

- Members must reach their own independent conclusion on satisfaction of policy requirements.
- Lack of a diversification plan required under policy SD40.
- Scrutiny of policy and lack of support from individual policies (eg. SD1, SD12, SD15, SD23, SD39, SD40).
- Considerations as to whether the existing buildings contribute to the character and appearance of the conservation area.
- Consideration of planning history
- Level of information/evidence provided for Members to make an informed decision, including a noise assessment regarding the padel court (now removed).

### **6. Planning Policy**

#### 6.1 Most relevant polices of the adopted South Downs Local Plan (2019) (a longer list of other relevant policies can be found in Appendix I)

- SD5: Design
- SD12: Historic environment
- SD15: Conservation areas
- SD23: Sustainable tourism
- SD39: Agriculture and forestry
- SD40: Farm diversification

#### 6.2 Relevant supplementary planning documents (SPD) and other guidance

- Design SPD (2022)
- Sustainable Construction SPD (2020)
- Parking for Residential and Non-Residential Development SPD (2021)



- Biodiversity Net Gain Technical Advice Note (TAN)
- Ecosystems Services TAN
- Habitats Regulations Assessment TAN
- Upham Village Design Statement (1999)

6.3 Most relevant sections of the National Planning Policy Framework 2023

- Section 6: Building a strong, competitive economy
- Section 12: Achieving well designed places.
- Section 15: Conserving and enhancing the natural environment.
- Section 16: Conserving and enhancing the historic environment.

6.4 Most relevant policies of the South Downs Management Plan (2020-2025)

- Policy I
- Policy 10
- Policy 13
- Policy 43

**7. Planning Assessment**

Principle of development

- 7.1 The Local Plan is supportive of new agricultural and tourism development in regard to the rural economy, including farm diversification, particularly where this contributes to National Park Purposes. The key policies concerning the principle of development (SD1, SD23, SD25, SD39, SD40), addressed below, also need to be balanced with relevant policies from which to assess the individual merits of proposals. These include design (SD5), impacts upon landscape character (SD4) and cultural heritage (SD12, SD13 and SD15). National Park Purposes and the NPPF are also important material considerations.
- 7.2 Overarchingly, policy SD1 supports new sustainable development where it accords with other relevant policies and National Park Purposes. For the reasons outlined below about the principle of development and the landscape, design and conservation related considerations, policy SD1 is accorded with.
- 7.3 The proposals are within designated countryside. The principle of development is, therefore, subject to whether under policy SD25(2), exceptionally, the proposals justify a countryside location, respond to the landscape context and accord with other relevant Local Plan policies.
- 7.4 The most relevant exception criteria of SD25(2) is whether there is an essential need for a countryside location. The need for new agricultural related facilities invariably require a countryside location because that is where the need is in regard to managing and working on the land. Tourism accommodation is not exclusive to rural areas but permission is predominantly sought here, given the nature of this type of development and rural context of the National Park. The Authority's Visitor Accommodation Review also cites a need for a wide variety of tourist accommodation across the National Park.
- 7.5 The tourism units are presented as a farm diversification scheme within the holding and therefore a countryside location is unavoidable. The site is, however, well related to Upham being very close to the heart of the village and within its conservation area, which is largely based upon the built form and spaces that form the hub of the village. It is considered that, exceptionally, all elements of the proposals meet policy SD25(2) and these matters are expanded upon within the overall considerations concerning policies SD39 and SD40.

Agricultural need (policy SD39)

- 7.6 The Farm holding covers a large area which is made up of various parcels of land under the Applicant's ownership as the 'Le May Farming Partnership.' Its existing modern large farm

buildings are at Big Path Farm, approximately 0.8km north-east of the application site, which serve its arable activities.

- 7.7 The Applicant is working towards a more mixed type farming and the land within the valley east of the application site is now subject to a Countryside Stewardship Higher Level Scheme and returning it to chalk downland. Restoring land to chalk downland and the landscape strategy accords with the First Purpose. New grazing by rare breed Longhorn cattle is planned on pasture land adjacent and leading into the site. The agricultural floorspace and uses within the proposed U shaped building would support these activities by being near to the area where they are needed and machinery storage would allow for the maintenance of the Stewardship land to be more 'in house' than employing external contractors.
- 7.8 In regard to the scale of the agricultural elements, these would be commensurate with that need insofar the floorspace equates to the needs of what storage and machinery is required.
- 7.9 The farm office/meeting room and other storage facilities are therefore proposed to serve the developing activities at Newlyn Farm and the Applicants justify that these are needed for its ongoing and future management. The farm office/meeting room would also assist in providing space for the administration of the Farm and holiday lets (eg, this building also has a laundry facility). Representations raise concern about the need for these elements of the scheme.
- 7.10 For the reasons above, it is considered that the agricultural elements of the proposals substantially accord with policy SD39, which permits new buildings for the purposes of agriculture. The information provided sufficiently demonstrates that there is a need for them and that their scale is commensurate with this need (SD39 criterion 1a).
- 7.11 The scheme also satisfactorily addresses this policy's other criteria. Under its part (b), the site is best suited to meeting the First Purpose and re-uses the footprint of existing agricultural buildings. As above, the site would be re-purposed to support the aforementioned mixed farming and its associated benefits. Under criterion (c), the proposed buildings are in keeping with local character and of a design that reflects their use, as discussed further below. Under criterion (d), new planting is proposed that would enhance local landscape character; (e) it is unclear whether other buildings have been converted or disposed of within the last 3 years that could have met the need; (f) the proposals would facilitate the removal of existing redundant buildings which have a negative impact on landscape character. Overall, notwithstanding criterion (e), the proposals achieve substantial compliance with policy SD39.
- 7.12 The proposals also suggest that school visits may also take place for educational activities around aspects of farming, landscape and wildlife conservation. These would also utilise the farm office/meeting room. Whilst this activity is referred to in the submission, there are no confirmed plans for this and should be afforded little weight.

Farm diversification (policy SD40)

- 7.13 Policy SD40 concerning farm diversification is relevant to the principle of development. The purpose of this policy is to support the long term viability of the National Park's farming industry, which contribute to the First Purpose through their land management. The Farm is a large land holding in predominantly arable use, with some livestock grazing, and its former pig farming operations on site ceased around 2015/16 for viability reasons.
- 7.14 Policy SD40 supports proposals relating to farm diversification where a Diversification Plan is submitted which demonstrates that:
- i) The proposed development would contribute to the First Purpose by providing long term benefit to the farming business;
  - ii) Diversification activities remain subsidiary to the agricultural operation, in terms of physical scale and environmental impact; and
  - iii) The proposed development does not cause severance or disruption to the agricultural holding.

- iv) Proposals re-use or replace existing buildings where feasible.
- v) Any outdoor storage is a minor ancillary element.

7.15 A short Diversification Plan is included within the Planning, Design and Access Statement which, in addition to the commentary above about the High Level Countryside Stewardship Scheme and mixed farming approach, outlines that:

- Arable operations at Big Path Farm and the new livestock grazing at Newlyn Farm would remain the dominant business of the holding.
- Holiday accommodation would be an important subsidiary economic income and would not disrupt the activities of the wider agricultural holding.

This information is proportionate to the scale of the proposal and is therefore sufficient to assess the application against policy SD40. It is considered that the proposals would contribute to the First Purpose as they would be a long term benefit for the Farm which is engaging with countryside stewardship schemes and for the reasons outlined under the 'design and landscape' sub-heading and other sections beyond; it would maintain degree of subservience with the Farm's existing agricultural activities and the countryside stewardship enterprise, which would be maintained and not disrupted, given the large land holding, they would replace existing buildings.

Having assessed the proposals against the policy criteria it is clear that these would be accorded with, in the absence of a more detailed Diversification Plan. It is also noteworthy that the supporting text to SD40 outlines that a diversification plan should be proportionate to the scale of the diversification project. In the context of 2 holiday lets and the farm office/meeting space on this large holding, what has been provided is sufficient to assess the proposals against this policy. Given the development is proposed within the context of farm diversification, it is appropriate to ensure that the 2 holiday lets are linked to the Farm and this is proposed within condition 3.

Tourism use (policy SD23)

7.16 Policy SD23 is also relevant to the principle of the tourist accommodation. There is substantial compliance with the policy criteria of SD23 insofar as:

- Criterion (a) – new holiday accommodation provides opportunities for people to increase their awareness, enjoyment and understanding of the special qualities of the National Park.
- Criterion (b) – The design and location of the development would have a degree of reliance upon private cars but is not so isolated that there is no scope to travel by other sustainable means.
- Criterion (c) – The proposals would not detract from visitor's experience or adversely affect the character, historical significance, appearance or amenity of the area.
- Criterion (d) – the proposals do not make use of existing buildings but the new buildings are sensitive to their character and setting.
- Criterion (e) – Ancillary facilities are not disproportionately large.
- Criterion (f) – Proposals would not adversely impact upon a vitality and viability of a town or village centre or asset(s) of community value.
- Criterion (g), in this countryside location the proposals positively contribute to the First Purpose and are part of a farm diversification scheme, as in this case.

Conclusion on principle of development – overarching policies

7.17 In light of the above considerations concerning SD23, SD39 and SD40 in particular, and in response to the third party Counsel Opinion received, ultimately it is a matter of judgement as to whether the merits of the proposals justify a grant of Planning Permission. It is considered that there is sufficient information to make an informed judgement on the

application proposals and that there is substantial compliance with the aforementioned individual policies and the Local Plan as a whole.

- 7.18 Lastly, in regards to the principle of development, the NPPF outlines overarching economic, social and environmental objectives to sustainable development. In these respects, the scheme would deliver some benefits to widely support the rural economy whilst meeting social objectives of enhancing access to outdoor space and recreation. These considerations would meet with the 2<sup>nd</sup> Purpose and Duty. There would also be environmental benefits in terms of re-developing redundant farm buildings which do not contribute to their surroundings, including the conservation area, with a high quality scheme that would deliver landscape, biodiversity and cultural heritage enhancements. These would also meet the First Purpose.

#### Design and landscape

- 7.19 Support for the scheme is based on an assessment of the design merits and whether these conserve and enhance the landscape in accordance with policies SD4 and SD5. The impacts on the character and appearance of the conservation area are also addressed below.
- 7.20 The proposals would occupy an edge of village location and would be visible from both immediate and longer distance views along the Monarchs Way. When approaching the village on this route the proposals would be seen in a more elevated position. The new buildings would also be visible from within the village when looking through the site access, where they would be appreciated as part of the conservation area. In these respects, the proposals would be in a sensitive location.
- 7.21 The design has taken sufficient account of these sensitivities in regard to the siting, scale, massing and form of the new buildings. The buildings and their layout have been satisfactorily informed by the positive precedents of farmstead examples which successfully roots in the scheme in its context. There is also an acceptable degree of hierarchy between buildings in regard to their varied footprints, heights, roof pitches and forms. They also exhibit architectural features and detailing consistent with positive precedents.
- 7.22 Concerns have been raised about the scale and proportions of the buildings and how they compare to these farmstead examples that are relied upon. However, the proposed buildings are akin in scale and design to agricultural buildings and would not appear excessively large. Concern has also been raised about the size of the buildings and the uses they would accommodate.
- 7.23 It is recognised that they are large buildings with fairly generous accommodation but this in itself is not harmful. Of key consideration is whether, externally, their scale, form and massing and appearance is harmful to their context. In this respect, the design, landscape and conservation officers are all supportive of the scheme. Furthermore, overall, the proposed buildings would result in an overall reduction of built form compared to the existing large utilitarian barns.
- 7.24 Consultees have queried the consistent use of slate on the roofs of the buildings and, instead, have suggested red clay tiles are introduced and the zinc roof is replaced with corrugated metal to better reflect a traditional character. These views are supported and whilst the scheme is acceptable as proposed, amended plans which make these changes have been received which are considered to be acceptable in regard to enhancing the character and appearance of the proposed buildings and consequently the conservation area.
- 7.25 The buildings would be visible from the Monarchs Way when immediately passing the site and in approach into Upham from within the adjacent lower valley to the east. Their farmstead typology, scale and appearance would not create an incongruous development in the landscape and would enhance the current appearance of the site by removing the redundant barns. A suitable edge to the village would also be created. Policy SD20 supports development where it conserves and enhances the amenity value, tranquillity and views from public rights of way and in these respects this policy is accorded with.
- 7.26 Views from within the village out to the countryside would also be improved. The proposals deliberately approximately double the distance between new buildings compared to the

existing barns. This opening up of views would be framed by high quality buildings and is a positive attribute of the scheme.

- 7.27 The spaces around the buildings also would retain the characteristics of open yard areas. Parking is proposed within the northern part of the site in front of the U shaped barns which would not be delineated on the ground to avoid suburbanising the appearance of the scheme. An open central courtyard of would also be created for the U shaped building that would simply be surfaced to avoid clutter and an overly designed space that would detract from the building’s agricultural character. The area of the former padel court would also be left to grass and form part of the overall landscape strategy for the site.
- 7.28 The swimming pool would be positioned within the curtilage of the farmhouse. Local concern about its relationship with the farm office/meeting room has been raised particularly if this accommodation was used for school visits. A pool in principle within the grounds of the dwelling is acceptable and next to the proposed building would help to contain development within the site. The pool would be a domestic feature but it would not been seen from within the yard areas of the farm office and U shaped building whereby it would detract from the proposed farmstead character.

Design summary

- 7.29 Overall, the proposals would introduce a modern scheme that positively reflects farmstead characteristics without overly replicating the past. They would be a positive addition to the site in terms of layout, scale, and appearance and create an acceptable edge to the village that would also not unduly harm the amenity of the Monarchs Way. In these respects, the proposals would accord with policies SD4, SD5 and SD20.

Impact upon the conservation area

- 7.30 Section 72 of the Town and Country Planning (Listed Buildings and Conservation Area) Act 1990 relates to conservation areas. It requires “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”
- 7.31 The character appraisal for the conservation area outlines that it is designated because of the combination of the character, variety of ages and architectural styles and features of buildings (many listed), the quality of spaces/public realm, prevalent boundary features, mature trees and hedgerows and setting of the village and its agricultural origins. The site is briefly referred to in the description of the conservation area boundaries and the existing barns are described as a significant features in views and given their prominence any alterations to them should be sympathetic to the conservation area.
- 7.32 Local concern has been raised about the size of the buildings and their impact upon the conservation area. The proposals have, however, been well informed by farmstead precedents and the buildings would replicate an agricultural scale, form and character that would preserve and enhance the character and appearance of the conservation area given the considerations of the design above. Furthermore, the materials would be consistent with those seen in the village.
- 7.33 The proposals would also enhance the conservation area by opening up views of the wider landscape through the site, which would visually re-enforce the landscape setting of the village. The loss of the existing barns would also be a benefit. The proposed uses and anticipated level of activity would not harm the conservation area.
- 7.34 The proposals would introduce a new high quality form of development due to layout, scale, form, and appearance of the buildings, with an acceptable palette of materials that responds to the local vernacular. It is, therefore, considered that it would preserve and enhance the character and appearance of the conservation area and accord with policies SD12 and SD15.

Impact on listed buildings

- 7.35 The proposals are considered to preserve the setting of nearby listed buildings given the scale, layout and design of the proposals and the relationship between the site and neighbouring listed buildings (eg, in terms of distance as well as inter visibility). The proposals are, therefore, not considered to lead to any less than substantial harm upon the

significance of these heritage assets, whereby any such harm would need to be balanced with any public benefits of the proposals. There is, therefore no conflict with policy SD13.

Sustainability

7.36 The following measures are proposed and supported by the Design Officer. On this basis, the proposals accord with policy SD48 and many aspects of the sustainable construction SPD.

- Energy Efficiency and green energy to achieve at least 19% and 20% emissions improvements relative to Part L 2013 baseline respectively.
- EV charge points to be provided.
- Waste strategy acceptable.
- Water target below 110 litres/p/day
- Some measures to source materials locally, re-use and recycle materials and use FSC certified timber.
- Some adaptation to climate change measures (designing out overheating and SuDS).
- Additional measures to reduce the heat demand and provide PV supply to heat swimming pool.

Ecology and biodiversity net gain

- 7.37 The county ecologist does not object and recommends mitigation and enhancement measures (eg. nesting boxes) regarding protected species are secured by condition.
- 7.38 The proposed landscape strategy, informed by the local context, is welcomed and sufficiently adopts an ecosystems services approach. Existing quality trees would be retained and frontage trees are proposed to be managed to retain the views to the wider landscape.
- 7.39 The scheme would deliver biodiversity net gain on site by virtue of the landscape scheme including chalk grassland improvements, which is supported. The more detailed landscape design can be secured via condition and can co-ordinate with a condition on surface water drainage in order to deliver a holistic approach to deliver multiple benefits. In the above respects, policies SD2 and SD9 are accorded with.

Highways and parking

7.40 The scheme provides sufficient parking and the Highways Authority has not objected on highway safety grounds on utilising the existing access. The proposals therefore accord with policies SD21 and SD22.

Neighbouring amenities

- 7.41 Concern has been raised about noise and disturbance including from large groups of guests, especially given the tranquillity of the village. The previous concerns regarding the padel court have been addressed by the Applicant's submission of amended plans to remove it. It is considered that the proposed buildings are a sufficient distance away from neighbouring properties, with the closest being 30.5m away, and sufficiently low key (2x holiday lets and farm office/meeting space) so as not to cause excessive noise and disturbance and undue level of activity that would justify refusing the application. Also, the Environmental Health Officer has not raised an objection. It is also noteworthy to highlight that the extant agricultural use of the site could enable agricultural activities to re-start, which could potentially be impactful upon neighbouring amenities.
- 7.42 The swimming pool is a good distance from neighbouring properties and behind a proposed building, where it would have a domestic scale use. In these respects, swimming pool would not cause undue noise and disturbance. The Environmental Health Officer has not raised an objection.
- 7.43 The proposals would not cause any significantly harmful overlooking, loss of privacy and outlook upon neighbouring dwellings due to their siting, scale, orientation and fenestration.

Surface water drainage

- 7.44 The proposed surface water drainage scheme includes rain water harvesting tanks and a pipework leading to an existing ditch further into the southern field alongside proposed new hedgerow that would line the Monarchs Way. Whilst the district drainage engineer has queried whether more infiltration of surface water could be achieved on site to reduce the extent of pipework and the treatment of any overspill water from the swimming pool, they recommend a pre-commencement condition to consider the detailed elements of the scheme. In addition, officers recommend that additional measures such as rain water gardens should be considered via the condition concerning surface water so as these can deliver further ecological benefits.

Foul drainage and nitrate neutrality

- 7.45 The foul drainage scheme involves a private system on site and its further detailed design can be secured via condition.
- 7.46 Notwithstanding, the site is within the Solent catchment area whereby 'nitrate neutrality' needs to be achieved in order to avoid/mitigate any significant likely effects upon the Solent, as a European designated Special Protection Area. It is determined that there is the potential for a likely significant effect upon the SPA by virtue of an increase in foul water from the proposals within the affected area. There is, therefore, the need to fulfil the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended).
- 7.47 Whilst technical information accompanies the application, Natural England have requested further information to consider this issue. Updated technical information in a 'Nitrate Neutrality Report' has been provided which calculates the amount of nitrates that are required to be mitigated and/or off set. The Applicant is now proposing to purchase off site credits from an established strategic site that seeks to mitigate the impact of new development. This revised report and approach has been re-submitted to Natural England for comment and Members will be updated. The recommendation is to delegate this more technical matter to the Director of Planning to resolve, which is likely to involve the completion of a legal agreement to secure the off site credits.

**8. Conclusion**

- 8.1 The proposals would facilitate the removal of large redundant barns with a newbuild scheme that would deliver multiple environmental, economic and social benefits in supporting the rural economy, providing additional accommodation for visitors, and environmental improvements to the landscape and conservation area.
- 8.2 Overall, the scale and design of the proposals are acceptable having taken into account consultee responses, representations, and the landscape character and appearance of the immediate and surrounding area. The proposals would also preserve and enhance the character and appearance of the conservation area for the reasons outlined. The impacts upon surrounding amenities are also not significantly harmful to justify a refusal of Planning Permission. The Applicant has also sought to address third party concerns in regard to the padel court by removing it from the plans.
- 8.3 The proposals substantially comply with both relevant individual policies and the Development Plan as a whole, the NPPF, National Park Purposes and duty, and relevant legislation. There are no material considerations of sufficient weight which would justify refusing permission.
- 8.4 The application is, therefore, recommended for approval subject to resolving 'nitrate neutrality' issues and recommended planning conditions.

**9. Reason for Recommendation**

- 9.1 It is recommended that:
- 1) Planning permission be **granted** subject to:
    - i) Resolution of the issue of nitrates from foul water, the consideration of which is delegated to the Director of Planning.

ii) The conditions at paragraph 9.2 of this report.

- 2) That authority be delegated to the Director of Planning to refuse Planning Permission, with appropriate reasons, if within 6 of the 9<sup>th</sup> November 2023 Planning Committee meeting the impact from nitrates has not been satisfactorily addressed.

9.2 And the following conditions:

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

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

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

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

Uses

3. The tourism development hereby approved shall not be used at any time for any purpose other than as holiday accommodation associated with Newlyn Farm. The two units shall not be used as permanent residential accommodation or for any other purpose in Use Class C3 (dwellinghouses) of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: This development in the countryside, outside of any identified settlement, is only acceptable as holiday accommodation for use by short term visitors to the area.

4. The holiday accommodation hereby approved shall not be occupied by any person, group or their dependants, for a period of more than 28 days in any twelve month period. A register of the occupancy of the holiday accommodation shall be maintained and kept up-to-date by the operator of the units, and shall be made available to the Local Planning Authority upon request (within 14 days of a written request being made). It shall record the names and addresses of all visitors and their arrival and departures dates.

Reason: This development is only acceptable as holiday accommodation. There is a need to ensure that practical and permanent management measures are in place to control the short term visitor accommodation.

5. The farm office/meeting room building and other agricultural storage and floorspace shown on floor plan 6073C-PL07A shall only be used in connection with the farming and educational activities of the holding known as Newlyn Farm and incidental use by the occupiers of Newlyn House.

Reason: To ensure the floorspace on site is used for its intended purpose and the proper management of the site.

6. The swimming pool hereby permitted shall be used solely for purposes incidental to the occupation and enjoyment of the dwelling known as Newlyn House and shall not be used or occupied separately or severed thereafter.

Reason: To ensure the swimming pool is used in connection with the existing dwelling.

Materials

7. No development above slab level shall be commenced unless and until a schedule of materials and samples of such materials, finishes and colours to be used for external walls, windows and doors, roofs, and rainwater goods of the proposed buildings, have been submitted to and approved in writing by the Local Planning Authority. All materials used shall conform to those approved.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the character and appearance of the area and the quality of the development.

Landscaping, ecology and trees



8. No development above slab level shall take place until a further detailed Scheme of Soft and Hard Landscape Works has been submitted to and approved in writing by the Local Planning Authority. These details shall include (but not be limited to):
- a. Written specifications (including cultivation and other operations associated with plant and grass establishment;
  - b. Planting methods, tree pits & guying methods;
  - c. Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;
  - d. Retained areas of trees and hedgerows;
  - e. Details of all hard-surfaces, including paths, kerb edges, access ways, boundary treatments, bin and cycle stores and parking spaces, including their appearance, dimensions and siting.
  - f. Details of the siting, specifications and management of the Sustainable Urban Drainage systems.
  - g. A landscape schedule for a minimum period of 5 years including details of the arrangements for its implementation;
  - h. A timetable for implementation of the soft and hard landscaping works.
  - i. A landscape plan with services shown.
  - j. Delivery of the measures outlined in the Biodiversity Net Gain Assessment

The scheme of Soft and Hard Landscaping Works shall be implemented in accordance with the approved timetable. Any plant which dies, becomes diseased or is removed within the first five years of planting, shall be replaced with another of similar type and size, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To achieve an appropriate landscaping scheme to integrate the development into the landscape and provide a setting for the new development.

9. The Development shall proceed in full accordance with the habitat creation and enhancement measures within the Biodiversity Net Gain Assessment by AEWL Ltd (dated April 2023). Thereafter, the provisions outlined shall be permanently retained and maintained in accordance with the approved details.

Reason: To ensure a net gain in biodiversity on the site.

10. The development shall proceed in full accordance with the measures detailed in section 5 'Recommendations for further surveys and mitigation' of the Preliminary Ecological Appraisal by Enims (dated 2018) and Barn Owl letter dated 5 June 2023.

Reason: To ensure the protection of notable/protected species.

11. The development shall be undertaken in accordance with the Arboricultural Impact Assessment by Professional Tree Services Ltd, dated 10.02.23 and ref: SL-M/2356aia-RevA).

Reason: To ensure a satisfactory form of development and conserve trees, where retained.

#### Dark night skies

12. No development shall commence above slab level until an external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the type and location of all external lighting to be installed throughout the site. All external lighting on the dwellings shall be restricted to down lighters that do not exceed 1000 lumens, which shall be designed and shielded to minimise upwards light spillage. The measures shall thereafter be implemented in full accordance with the approved details.

Reason: To conserve dark night skies.

#### Levels

13. Notwithstanding the details provided, no development shall commence until details of site levels and longitudinal and latitudinal sections through the site have been submitted to and approved in writing by the Local Planning Authority. These shall show how the buildings are proposed to be set into the topography of the site, in comparison to existing levels. The development shall thereafter be implemented in accordance with the agreed details.

Reason: To ensure a satisfactory development which responds to the characteristics of the site.

Sustainable Construction

14. No development above slab level shall commence until written documentary evidence has been submitted to and approved in writing by the Local Planning Authority demonstrating that the development will achieve a minimum 19% improvement over the 2013 Building Regulations Part L Dwelling Emission Rate (DER)/Target Emission Rate (TER), a further at least 20% reduction in CO<sub>2</sub> emissions through the use of renewable sources and a maximum of 110 litres/person/day internal water use in the form of a design stage SAP calculations and a water efficiency calculator, unless otherwise agreed in writing by the Local Planning Authority. The development shall thereafter be constructed in full accordance with these details.

Reason: To ensure the development has minimised its overall demand for resources and addresses climate change mitigation.

Drainage

15. No development shall commence until a detailed sustainable surface water drainage scheme, including a Management Plan detailing its future management and maintenance, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be undertaken in full accordance with the approved details.

Reason: To ensure satisfactory provision of surface water drainage.

16. No development shall commence until a detailed drainage scheme for the means of foul water disposal has been submitted to and approved in writing by the Local Planning Authority. These details shall include drainage calculations and a Management and Maintenance Plan. The development shall be carried out in full accordance with the approved details. No dwelling shall be occupied until the drainage system has been implemented in accordance with the approved details.

Reason: To ensure satisfactory provision of foul water drainage.

Parking

17. Prior to the development being brought into use, the parking provision shall have been made in accordance with the approved plans and shall be retained thereafter.

Reason: To ensure adequate on-site parking is provided.

Construction Management Plan

18. No development shall commence, including any works of demolition, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for (but not be limited to):
- i. An indicative programme for carrying out of the works;
  - ii. Method Statement for the demolition and construction work;
  - iii. The arrangements for public consultation and liaison during the construction works;
  - iv. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method for constructing foundations, the selection of plant and machinery and use of noise mitigation barrier(s);
  - v. Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;

- vi. The parking of vehicles of site operatives and visitors;
- vii. Loading and unloading of plant and materials;
- viii. Storage of plant and materials used in constructing the development;
- ix. The erection and maintenance of security hoarding, where appropriate;
- x. Wheel washing facilities;
- xi. Measures to control the emission of dust and dirt during construction;
- xii. A scheme for recycling/disposing of waste, including spoil, resulting from demolition and construction works;
- xiii. Protection of pedestrian routes during construction;
- xiv. Provision for storage, collection and disposal of rubbish;
- xv. Any Re-use of on-site material and spoil arising from site clearance and demolition work.
- xvi. Working hours.

Reason: In the interests of highway safety and the amenities of the area.

#### Contamination

19. If, during development contamination is found to be present on the site then no further development shall be undertaken until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority.

Reasons: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

#### Highways

20. No development shall commence until sight lines of 2.4m x 43m to the right on exit and 27m to the left on exit are provided, in full accordance with Plan 020.0835-0003.P01 within the Transport Statement by Paul Bashman Associates (dated 26.04.2023, report reference: 020.0835/TS/2). The visibility splays shall be kept free of obstruction between 0.6m- 2m in height above the carriageway.

Reason: To provide a satisfactory access in the interests of highway safety.

#### Permitted Development Rights

21. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no buildings, structures or works as defined within Part 1 of Schedule 2, classes E and F and Part 2 of Schedule 2, class A; inclusive of that Order, shall be erected or undertaken on the site unless permission is granted by the Local Planning Authority pursuant to an application for the purpose.

Reason: To enable the Local Planning Authority to regulate and control the development of land in the interests of the character and appearance of the area and amenity.

**TIM SLANEY**  
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**South Downs National Park Authority**

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SDNPA Consultees Legal Services, Development Manager

Background Documents: [All planning application plans, supporting documents, and consultation and third party responses](#)

[SDNP/23/01969/FUL | Demolition of existing farm buildings and construction of new farmstead to provide two self-contained tourist lets with associated utility, refuse, cycle and storage facilities, farm machinery and livestock support building, farm office with associated plant and storage, relocation of swimming pool \(as previously granted under SDNP/21/01206/LDP\), and an associated scheme of hard and soft landscaping | Newlyn Farm Stakes Lane Upham Southampton Hampshire SO32 1QA \(southdowns.gov.uk\)](#)

[National Planning Policy Framework \(2021\)](#)

[South Downs Local Plan \(2014-33\)](#)

[South Downs National Park Partnership Management Plan](#)

[SDNPA Supplementary Planning Documents and Technical Advice Notes](#)