

FACE IT Response to Hart District Planning Application 20/03146/PRIOR Change of use of existing agricultural building into three 3 bedroom dwellings at Nyasaland Crondall Road

1. MANAGEMENT SUMMARY

FACE IT objects to this application for change of use of an existing agricultural building into three three-bedroom dwellings at Nyasaland Crondall Road. We set out the reasons for our objection below.

Due to the nature and timing of this PRIOR application there has been little public notification of this application and little time to consult fully with the local community. Members of the community may submit additional comments some of which may depart from those expressed here. As the site is outside the village settlement and its open aspect and agricultural use is core to the character, its development for unnecessary housing is unlikely to accord with policies and plans. Conceivably, a suitable, sustainable and sympathetic development could be possible at this site but not the proposal contained within this application.

2. BACKGROUND

Nyasaland is at the centre of a 5 acre parcel of land to the west of Crondall Road, north of the Basingstoke Canal and opposite the Exchequer public house. It is outside the village settlement boundary in the open countryside. It is classed and has been used as agricultural land, although not currently in agricultural use. It lies just south of the Crookham Village Conservation Area and is adjacent to the Basingstoke Canal Conservation Area and thus forms part of the setting for both. The two barn structures on the site were not used exclusively for agriculture, as various other uses were developed on the site, and may have been built without planning permission.

Although there have been proposals over time for continued agricultural use of the site, mixed use of the site had begun as early as 2003.

The previous owner was granted temporary permission to site a mobile home on the land to house a worker associated with the agricultural use of the land.

On 26 April 2006 an application under reference 06/00555/MAJOR to extend the temporary permission was refused, but the refusal was not enforced.

In 2019 the land changed hands after the death of the previous owner.

On 1st July 2020 Chartfield Homes made a 'Class Q' application (Hart Ref 20/01535/PRIOR) for a change of use conversion of the two barn structures to 5 dwelling houses. This was proposed under the provision of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) -Schedule 2, Part 3, Class Q, which would bypass the normal planning process and

automatically allow for conversion of existing agricultural buildings into up to 5 dwellings under certain circumstances. To qualify, this regulation requires that the buildings were solely in agricultural use on 20 March 2013. Though not formally required, Hart sent notification letters to immediate neighbours. Several residents' comments to Hart pointed out that the buildings were also used for other purposes at that time.

On the eve of determination on 27 August 2020, the 'Prior Approval' application for change of use was withdrawn.

In December 2020 Chartfield Homes made a new application under Hart reference 20/013146 for conversion of one of the barns and the road access for three dwelling houses each of three bedrooms.

The curtilage of this application is reduced (from the previous application) to cover one barn (the southern / left hand one) and access track only. The other barn, caravan and rest of the 5 acre site is not included.

Exclusively agricultural use of the barn on 20 March 2013 is asserted by the applicant with circumstantial evidence only.

The conversion would apply to one barn only and it is not clear what is intended for the rest of the site although there is currently only one road access to the whole site. However Chartfield Homes have published information to some residents concerning their further intentions for the parcel of land, and are developing options for new proposals, which may include conversion of the other barn to houses, a detached house on the site of the mobile home and / or a possible alternative proposal for further homes fronting on to Crondall Road. We attach a copy of a Chartfield Homes leaflet distributed to some residents in 2020 explaining the 'incremental' strategy to develop the whole parcel of land to residential use.

We understand that the developer is also suggesting to local residents other potential outcomes for this land that they may find less palatable if their proposals were not to proceed.

3. OBJECTIONS

3.1. Class Q Not Applicable

This application is for a permitted change of use under Schedule 2, Part 3, Class Q of the Town & Country Planning (General Permitted Development) Order 2015 (as amended) which requires exclusive agricultural use of the application site on 20 March 2013.

The submitted information from the applicant (available online at the HDC planning site) indicating potential suitability of part of one barn for a specific agricultural use, does not establish sole agricultural use of the site at the required date.

Various comments from the personal knowledge of local residents, including those provided in response to the application under reference 20/01535/PRIOR lead to our understanding that the site and buildings within the area of this application (including the entrance and approach) were not solely in agricultural use on the requisite date of 20th March 2013. At this date the buildings and land were in a mixed use, comprising part agriculture and part other non-agricultural related storage and business uses. This mixed use of the site had begun as early as 2003 and continued in this manner well beyond the determinant date of March 2013. Previous responses to 20/01535/PRIOR

comments include such statements as “I have seen the previous owner from well before 2013 through to 2015 conduct varied activities that certainly were not agricultural. These involved storage, machinery, car parts, materials, fencing, skips, with non-agricultural vehicles.” And “In 2013 [...] I visited the site where I observed commercial activity taking place. The buildings in question were being used for storage of various articles which I been [sic] invited to purchase. These activities have persisted over subsequent years.”

We note that in 2003 (Hart refs 04/000886/COU and 03/01804/COU) applications were made for change of use of part the agricultural barn to a workshop for car and agricultural vehicle restoration but were both refused. However this established a clear intent to diversify away from solely agricultural use of the site.

In 2006 Hart refused to grant the renewal of a licence to retain a caravan on the site for the purpose of tending to cattle because there was no evidence of a viable agricultural business (Reference 06/00555/MAJOR). The grounds for this refusal were “Refused on the grounds that: In the absence of any evidence to demonstrate that an operational need exists for a person to be readily available on the site at all times, or evidence of a firm intention and ability to develop an agricultural enterprise which has been planned on a sound financial basis, the proposal would result in a unit of accommodation in the countryside for which no overriding need has been demonstrated, and which represents an unwarranted visual intrusion to the detriment of the pleasant rural character of the area. As such the proposal is contrary to policies GEN1, RUR2 and RUR26 in the Hart District Replacement Local Plan.” [We note that GEN1 remains a saved policy whilst the others are replaced by the Hart Local Plan to 2032].

The background information to that refusal states that 'The site and barns are used for the storage of a variety of articles including vehicles, building materials, window frames, timber and timber panels, fencing, furniture, small trailers, logs and two skips. One of the barns **also** contained two cattle and some straw". (our bold). The site visit at that time indicated there were two cattle on the site housed in part of one of the open fronted barns (which we understand to be the one subject to the current application). It was also noted that two head of cattle do not form a viable agricultural business. The report also noted that 'Certainly evidence of non-agricultural storage **within the barns** was seen at the time of the site visit" [our bold]. This indicates that although the barn which is the subject of this application may have been partially suitable for agricultural use, it was not solely in agricultural use at that time. The lack of an agricultural business plan, and the lack of subsequent development of a viable agricultural business, indicates that this was not the sole use of the building.

3.2. Lack of SANG Agreement

There is no SANG provision proposed with the application. The site is within 5km of the SPA boundary. SANG is required even for PRIOR approvals as this is specifically required by the Local Plan §243 which states “Developments covered by prior approval and permitted development rights benefit from automatic planning permission or deemed consent and do not need to submit a planning application. These developments must nevertheless be compliant with the Habitats Regulations as a matter of law and must adhere to the principles set out in Policy NBE3 and the TBHSPA Avoidance and Mitigation Strategy.”

Proposals for new SANGs must be approved by the Council and will be expected to follow Natural England’s SANG guidelines. Applicants may propose bespoke SANGs that provide mitigation for their own developments, either within the development site or off-site in an appropriate location.

We do understand that the requirements of the SANG guidelines often mean that SANGs cannot be delivered on smaller sites. Hart's Local Plan states at §246 that "Where we have capacity we may make Council administered SANG available to developers of smaller sites subject to the payment of a tariff. "

No such agreement seems to be in place at this time. We understand that this agreement would need to be concluded before any PRIOR planning permission can be granted and the decision to proceed with any agreement lies solely with Hart.

3.3. Parking Provision

There is no detail about parking arrangements in the plans.

On-street parking along Crondall Road would not be appropriate due to the nature of the lane and the adjacent traffic calming measures. There is nowhere else to park anywhere along Crondall Road without causing disruption to traffic.

There does not appear to be any area allocated for parking for the three dwellings, nor vehicular access near to their entrance doors. Although there is an approach within the curtilage there is no provision specified for the parking required for the three dwellings (of 3 beds each) and no bicycle store. Parking provision and cycle storage would need to be provided to satisfy the appropriate Hart parking standards.

The existing houses along Crondall Road have parking for multiple cars per dwelling to accommodate sufficient occupier and visitor vehicles.

The proposal therefore does not comply with Hart parking standards and the Neighbourhood Plan parking standards TM01.

The proposal also fails to acknowledge the Neighbourhood Plan's aspirations on provision of sustainable transport including electric charging points and no contribution is proposed.

It is unclear what would happen to the rest of the site, and therefore should the site access be used for access to the rest of the site (consisting of the other barn, the site of the (now dilapidated) caravan and the rest of the field), the area on the plan shown within the red line could not be used for parking as it would obstruct access to the rest of the site.

3.4. Traffic

The assertion about historic traffic levels matching those to be expected of the development is not supported by fact, particularly given the low level of prior agricultural activity reported. Neighbours have told us that the access has been gated, locked and rarely used. Certain prior traffic levels are assumed but not quantified within the application - these are 'potential' traffic movements which are unlikely to have been required by the putative agricultural use for the one barn within the specified curtilage. Residents' evidence is that even when the mixed agricultural and other uses on the site were at their height, ingress and egress by vehicles was limited. Three dwellings on the site would mean regular traffic in and out of the access driveway. Traffic volumes can be calculated for the proposed three rural dwellings and is likely to be more than the partial agricultural use of a single barn.

There is no public transport to or past this rural site so all access must be assumed to be via private vehicles.

The remainder of the site, if developed further, would also generate traffic, therefore the movements generated by three dwellings would be *additional* to other movements to and from the site.

3.5. Access Arrangements

The access point in and out of Nyasaland has poor visibility up and down the Crondall Road. This particular part of Crondall Road is extremely dangerous as drivers do not observe the give way pinch point. Contrary to claims in the application that the pinch points would assist in slowing traffic around the entrance, they in fact mean that traffic is not in its allocated lane when passing the entrance.

Significant trees would have to be removed to provide visibility splays with noticeable impact on the street scene.

It is also unclear from the application whether the site access would also be used for access to the remainder of the site, consisting of the other barn, the site of the (now dilapidated) caravan and the rest of the field. If the access were not exclusively used for the three proposed dwellings then the access arrangements would need to be suitable for all the types and volume of traffic using the site.

3.6. Character of Proposals and Impact on Street Scene

The current structures are not complete barns nor buildings that can be converted to dwellings. They simply comprise a steel frame with a corrugated roof. Although these are agricultural buildings, they are not enclosed with only some partial siding. As a result, and according to the proposed designs, there would be a significant change in appearance. In addition, the nature of the development would depart from the linear character that is a feature of the Village.

The lack of information about the proposed development on the rest of the site, removal of trees and improvement in access makes it difficult to assess the impact on the street scene. But it is likely that the proposed changes would have a significant detrimental effect on the 'street scene' and would certainly have an urbanising effect on this rural area.

The proposed conversion of an agricultural shed into dwellings would be completely alien to the character of the area, a historic village with conservation areas. The proposed plans indicate a converted 'shed' having industrial type surfaces, with a single-pitch roof, and a featureless front elevation facing the road (although the treatment of the adjacent shed fronting the property and outside the curtilage is unclear).

The plans are for single storey attached (terraced) dwellings; as a result the design, look and feel of the houses would not be in keeping with any type of design along the Crondall Road and so would not be in character with their neighbours and not in keeping with the properties or street scene along Crondall Road where all properties are detached, in a linear format and on one side only for much of the road, with open access to agricultural land opposite.

3.7. Contamination

We understand that Hart has previously expressed concern about the past use of the land for unlicensed waste disposal. Local residents advise that Nyasaland has been used in recent years for dumping of industrial waste including batteries and certainly this has been a concern of the neighbours and local residents. There are thus concerns about contamination of the barn and surrounding land that are not related to any agricultural use and not dealt with in the application.

We note that there is no outside space such as gardens indicated on the proposal although the plans include folding door exits to the rear and side of the properties. Therefore if it is assumed that outside space would be associated with the development, the boundary of the development would need to be expanded. This is not clear in the application. However it is likely that gardens or other outside areas would therefore be on the land which has been used for dumping and other uses.

To alleviate these concerns the plans would need to be clarified and a site survey and testing for contamination undertaken with appropriate conditions on any planning permissions granted to ensure removal and remediation of any contamination found.

4. CONCLUSION

For a number of reasons we do not feel we can support the proposals before us. This application is unsuitable for the site.

We are not convinced that the developer wishes to proceed solely with the proposals in this application and have evidence that they are a precursor to proposed further development of the adjacent land. Please again see attached leaflet.

Due to the nature of this PRIOR application there has been little public notification of this application and little time to consult fully with the local community. Many people are unaware of the application and have not been able to assess it against the Local and Neighbourhood plans nor to submit comments. The nature of this application has not provided due consultation, assessment, scrutiny and application of planning policies needed for a planning application.

This is an agricultural location in open countryside that is important to the character and linear nature of development in the Village and which would be lost through the proposal. We do not believe that the application establishes that the barn was solely in agricultural use on the required date and there is evidence to the contrary. We doubt that the potential suitability of part of one barn structure for a specific agricultural use would meet the qualification criteria for a PRIOR approval for change of use of that structure under Part Q.

The developer would need to agree a SANG provision with Hart according to the policies in the Local Plan before dwellings on the site can be approved.

The application is deficient in parking and cycle storage provision.

The assertion about historic traffic levels matching those to be expected of the development is not realistic nor based in fact and there would be increased movements in and out of the access driveway. Access arrangements are unclear and would conflict with the adjacent traffic calming measures. Access arrangements are also unclear for the remainder of the site currently using the single access point.

The nature of the proposed structures, removal of trees and opening up of the access would have a detrimental effect on the rural street scene and severely compromise the character and setting of the Village and the adjacent Conservation Areas.

There are deep concerns about contamination on the proposed site including the access and adjacent space to be used by future residents. The decision on whether this is a significant factor needs to be evidence-based and at present there is insufficient evidence to make a decision.

We therefore urge Hart District Council to reject this application.

Max Clark
Co Chairman, FACE IT

Tony Gower-Jones
Co Chairman, FACE IT

08 January 2021

www.FACEIT-group.org

About the formation of FACE IT and our engagement with stakeholders

FACE IT was formed in early 2012 in response to weaknesses in the previous draft Local Development Framework, which seemed to threaten the nature and character of the local area and did not take full account of infrastructure issues.

Since its formation, the FACE IT group has been examining the Local Development Framework and engaging with a large number of stakeholders, including the communities affected by its proposals, the Parish Councils in the area, Fleet Town Council, officers and councillors of Hart District Council and providers of infrastructure and facilities, landowners, developers, and others.

In engaging with and mobilising the local communities through meetings, events such as walks and surveys, and communications such as newsletters, social media, our website and the Press, the group has gained valuable insights into the issues and opinions from all sides of the local communities.

Numerous meetings and communications with various other stakeholders have highlighted the many aspects of local planning which are influenced and affected by the Local Plan. The campaign has remained politically neutral, whilst engaging with various political stakeholders.

Throughout this process, the group has been very active in communicating the issues and relevant information to the people in the local communities and across the wider Hart District so that they can more easily engage in the debate and can express their views on the basis of a clearer understanding of the planning process and issues.

We have formed and maintained good relations with the officers and elected officials of Hart District Council and this has led to a much better understanding on both sides of the issues and opinions of the local planning authority and the communities it is engaged to serve.

Chartfield Homes Leaflet “Residents Update Regarding Nyaland” from 2020.

Residents Update Regarding Nyaland

*Chartfield Homes are currently progressing our strategy to deliver a **high quality development of new homes at Nyaland***

As well as some beautifully designed new homes, the development, if consented, will also deliver the following benefits:

- An **improved outlook** for residents, with gorgeous homes set in this beautiful site.
- **Certainty over the future ownership** of the land and buildings and their **neighbourly redevelopment**.
- The opportunity for **community open space** such as a beautiful wildflower meadow or orchard, secured for the future by legal agreement and/or ownership.
- With the combination of homes and open space, there will be a **comprehensive redevelopment of the site with no further potential for future development**. This can provide security and certainty to local residents.

To deliver these aims, we need to first **establish the residential use of the site** in order to gain support from Planning Officers at Hart DC.

To achieve this we propose the following actions:

- Secure Class Q approval for **conversion of the barn/s to new homes**.
- Secure approval for the **replacement of the existing static caravan** (with established permanent dwelling status confirmed by Hart DC) with a detached house.
- Work with **local residents, Parish Council and Face It** to evolve our current proposal and agree the ownership and management regime for the open space.
- Submit a planning application for the **new homes and open space**.

We would be delighted to receive feedback from residents to monitor our progress and to better understand local issues.

It is so important to us to create both a stunning development and a community at Nyaland, and we want to work with you to ensure this land is secure and certain in the future. Thank you for your time.



Due to the current COVID-19 situation, I would suggest that I set up an email contact list to provide future updates about this site.

I would greatly appreciate it if you could email me at Richard@chartfieldhomes.com with your views and confirm that I can make contact via email in the future.

