

Application No: 16/00457/FULL Full Application

Site: Coombe Grange Rest Home, Coombe Lane, Sway, Hampshire, SO41 6BP

Proposal: Part demolition of Rest Home to form 2 No. detached dwellings and 2 No. semi-detached dwellings; garage block; access and parking

Applicant: Mr I Hayter

Case Officer: Clare Ings

Parish: SWAY

1. REASON FOR COMMITTEE CONSIDERATION

This application raises issues of significant local effect
Previous committee consideration

2. DEVELOPMENT PLAN DESIGNATION

No specific designation

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

CP12 New Residential Development
CP15 Existing Employment Sites
DP1 General Development Principles
DP6 Design Principles

4. SUPPLEMENTARY PLANNING GUIDANCE

Sway Village Design Statement

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 6 - Delivering a wide choice of high quality homes
Sec 7 - Requiring good design
Sec 11 - Conserving and enhancing the natural environment

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Sway Parish Council: offered two options, but in either case were happy to

leave the decision to the National Park Authority.

If the two semi-detached houses in the application are constructed as affordable housing:

1. Recommend PERMISSION, but would accept the decision reached by the National Park Authority's Officers under their delegated powers, subject to conditions:

- Conditions restricting resale.
- Full tree protection.
- A requirement for demolition to be complete before building commences.
- Removal of further development rights.
- A restriction on commercial use.
- Surface water drainage plans
- A condition limiting the sale price.

If the two semi-detached houses are not constructed as affordable housing:

2. Recommend REFUSAL, but would accept the decision reached by the National Park Authority's Officers under their delegated powers:

In the absence of any affordable housing the proposal fails to comply with the requirements of policy CP12.

8. CONSULTEES

8.1 Building Design & Conservation Area Officer: No objection.

8.2 Ecologist: No objection, subject to securing details via condition to deliver mitigation and enhancement.

8.3 Tree Officer: No objection, subject to conditions.

9. REPRESENTATIONS

9.1 Two representations received in support of the application.

- 9.2
- Three representations received objecting to the inclusion of the two starter homes (the conversion to two dwellings would be acceptable provided that they would be solely for residential use):
 - creeping suburbanisation setting a precedent for more development at the site
 - unlikely to remain as starter homes given the land associated with them
 - inappropriate and non-sustainable location

- 9.3 One letter of objection:
- House A would be contrary to policy DP11 as it would exceed the size of the original dwelling by more than 30%
 - House B would then be contrary to policy CP12 as it would be seen as an additional dwelling
 - concern that the two larger houses would lead to a combination residential/business use
 - starter homes would not fulfil any of the criteria for "affordable housing"
 - starter homes would be non-sustainable; they would also not be "starter homes" in perpetuity
 - concern that, given the land allocations, the scheme would lead to more development

10. RELEVANT HISTORY

- 10.1 Purpose built detached building for additional care home accommodation (11/96563) refused on 21 September 2011

11. ASSESSMENT

- 11.1 Members will recall that this application was deferred at the last meeting for further consideration of the Heads of Terms for the S106 Agreement to secure greater control of the occupation and subsequent re-sale of the two proposed starter units. Subject to these considerations there appeared to be general support for the proposal.
- 11.2 To recap, Coombe Grange Care Home lies about 1km to the south-east of the define village of Sway off Coombe Lane, but with its southern boundary along Pauls Lane. The large plot comprises a single, large two and three storey building of brick under a tiled roof, which has been extended in the past and which was until recently a care home, as well as a large breeze block shed. There is a circular driveway within the site with parking adjacent to the former home. The site is fairly level and contains a number of trees, the subject of a Tree Preservation Order, including along its boundaries, and other areas of garden, either manicured or left fairly rough to the rear. Within the vicinity of the site is sporadic residential development, but which is more concentrated along Pauls Lane as linear development, and adjoining the site, to the north, is a dwelling with attached livery use to the rear.
- 11.3 The proposal is for the demolition of a central portion of the former care home, and the conversion of the two remaining "wings" to form two dwellings, both of which would have 4+ bedrooms. Each of these two dwellings would then have a new three-bay car port. House B would also have the benefit of two paddocks and

the existing stable block, which would also be reduced in scale. In addition to the conversion of the former care home, a pair of semi-detached "starter" homes are proposed. These would be two storey, approximately 90m² each in size, set back from and sited at right-angles to House B. A parking area would be provided. Access to all dwellings would make use of the existing vehicular access and drives within the grounds.

Conversion of Care Home

- 11.4 As previously stated, the central portion of the existing building (approximately 240m²) would be demolished to create the two dwellings; thus the two end elevations would have to be made good making use of matching materials. Each dwelling would have a three-bay garage, but given the scale of the overall site and the tree cover, and the appropriate incidental scale and form of the garaging being proposed, these could be readily absorbed without any significant visual impact on the immediate surroundings or the wider National Park. No new access would be created from Coombe Lane, and the development would rely on existing driveways within the site. The key benefit to permitting two dwellings in this location would therefore be the reduction in activity associated with that use, compared with the care home. It is therefore considered that the conversion would be acceptable and would accord with policies DP1 and DP6 of the Core Strategy.

Starter homes

- 11.5 Also as previously stated, the inclusion of starter homes was raised during pre-application discussions as a means of meeting the requirement to provide an element of "affordable housing" in association with the two new dwellings, and therefore would be seen as appropriate in this context. The concept of starter homes was introduced by the government in the Housing and Planning Act 2016 (enacted earlier this year) as new dwellings to be available for purchase by qualifying first-time buyers only, and to be sold at a discount of at least 20% of market value (capped at £250,000 for 5 years), with the occupation and restrictions on re-sale controlled through a S106 Agreement and, subject to the agreed wording of a S106 Agreement, it was considered that the introduction of the starter homes on this site would be acceptable in this context.
- 11.6 Since the previous Committee, discussions have taken place over the general Heads of Terms to be included within the agreement. As can be seen from the Parish Council's earlier comments, its view is that any agreement should be worded as closely as possible to those agreements usually controlling affordable housing, and that therefore any occupants should be taken from the housing waiting list. However, it should also be recognised

that these dwellings are not "affordable" in the traditional sense (there is actually no requirement for such housing to be provided on the site) and therefore a bespoke agreement, with aspects of both the government's direction and the suggestions of the Parish Council, should be incorporated. Thus it is proposed that the agreement would:

- restrict occupation to first-time buyers - the definition of first-time buyer to be that of the Housing and Planning Act, i.e. over the age of 23 and up to the age of 40 and for persons who have not previously owned a property
- restrict occupation to persons who are resident within the Parish of Sway, or are employed within the Parish of Sway and have been for a period of three years in the first instant, and then to persons who meet the criteria in adjoining parishes
- restrict the price of the dwelling to the equivalent of 80% of full market value which will be capped at £250,000
- restrict the re-sale of the properties only to persons who qualify (as above) for a period of 10 years from the date of first purchase
- the re-sale value shall be capped at £250,00 for the first five years, but after then to be a capped price which would reflect inflation (index-linked)

The applicant has indicated his acceptance of these terms.

- 11.7 The pair of semi-detached starter homes would each have a floorspace of around 90m²; they would be constructed of brick and tile with access again coming off the existing vehicular access from Coombe Lane.
- 11.8 Issues such as tree protection and ecology formed part of the previous report and do not need to be repeated here, other than to ensure that the S106 agreement would also make provision for a financial contribution of £704 (£176 per dwelling) towards mitigation against potential harm of the Solent and Southampton Water SPA (the site lies within 5.6km of this SPA).

Conclusion

- 11.9 The conversion and partial demolition of the former care home to form two dwellings is considered acceptable in this location as it would provide a use for the building which would not intensify activity at the site. The erection of the two starter home is also considered acceptable, as it would address the government's recent initiative in creating a form of "affordable" residential development which would be secured through a S106 Agreement based on the criteria set out in para 11.6 above. In all other aspects such as appearance, impact on the character of the area, impact on adjoining amenities, trees and ecology, the

development would be appropriate, and permission is therefore recommended subject to the applicant first entering into a S106 Agreement to ensure that the semi-detached pair would be provided and retained as starter homes, and also to secure a financial contribution towards SPA mitigation.

12. RECOMMENDATION

Subject to the prior completion of a section 106 agreement to

- restrict occupation to first-time buyers - the definition of first-time buyer to be that of the Housing and Planning Act, i.e. over the age of 23 and up to the age of 40 and for persons who have not previously owned a property
- restrict occupation to persons who are resident within the Parish of Sway, or are employed within the Parish of Sway and have been for a period of three years in the first instant, and then to persons who meet the criteria in adjoining parishes
- restrict the price of the dwelling to the equivalent of 80% of full market value which will be capped at £250,000
- restrict the re-sale of the properties only to persons who qualify (as above) for a period of 10 years from the date of first purchase
- the re-sale value shall be capped at £250,00 for the first five years, but after then to be a capped price which would reflect inflation (index-linked)

the Executive Director of Strategy & Planning be authorised to grant planning permission subject to 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 Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 No development shall take place until samples or exact details of the facing and roofing materials for the two semi-detached dwellings and additional garaging have been submitted to and approved in writing by the New Forest National Park Authority.

Development shall only be carried out in accordance with the details approved.

Reason: To ensure an acceptable appearance of the building in accordance with Policy DP1 of the New Forest National Park

Core Strategy and Development Management Policies (DPD) (December 2010).

- 3 The external facing materials to be used in the east elevation of House A and the west elevation of House B shall match those used on the existing building, unless otherwise agreed in writing by the New Forest National Park Authority.

Reason: To ensure an acceptable appearance of the building in accordance with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 4 Development shall only be carried out in accordance with Drwg Nos: 5436/PL/001, 5436/PL/002, 5436/PL/003, 5436/PL/004, 5436/PL/005, 5436-PL-006, 5436-PL-007 and 2408-2016-TPP.

No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority.

Reason: To ensure an acceptable appearance of the building in accordance with policies CP7, CP8, DP6 and DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) December 2010.

- 5 No development shall take place until a scheme of landscaping of the site shall be submitted to and approved in writing by the New Forest National Park Authority. This scheme shall include :

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting (species, size, spacing and location);
- (c) areas for hard surfacing and the materials to be used;
- (d) means of enclosure, including the boundary treatment between House B and the semi-detached pair;
- (e) a method and programme for its implementation and the means to provide for its future maintenance.

No development shall take place unless these details have been approved and then only in accordance with those details.

Reason: To ensure that the development takes place in an appropriate way and to comply with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 6 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in the first planting and seeding seasons following the

occupation of the buildings or the completion of the development, whichever is the sooner.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the National Park Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 7 Prior to the commencement of development (including site and scrub clearance), measures for ecological mitigation and enhancement (including timescales for implementing these measures) shall be submitted to and approved in writing by the National Park Authority. The measures thereby approved shall be implemented and retained at the site in perpetuity. The measures shall be based on the recommendations set out in the ecological report (Ecological Appraisal and Bat Survey (Lindsay Carrington Ecological Services) dated July 2016) approved as part of this planning application.

Reason: To safeguard protected species in accordance with Policies DP1 and CP2 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 8 No development, demolition or site clearance shall take place until the following information has been provided:

Location of service routes, including the position of soakaways;
The full Arboricultural Method Statement from the Head of Terms provided;
Specifications for ground protection;
Specifications of no dig construction in areas highlighted within the Tree Protection Plan;
Location of site compound and mixing areas.

This information is to be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with these approved details.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area, in accordance with Policies DP1 and CP2 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 9 The trees/hedges on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Tree Survey Report (ref 2408-2016-TPP/JC/CON/5/A6) and Tree Protection Plan (ref 2408-2016-TPP) and within the recommendations as set out in BS5837:2012.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area, in accordance with Policies DP1 and CP2 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

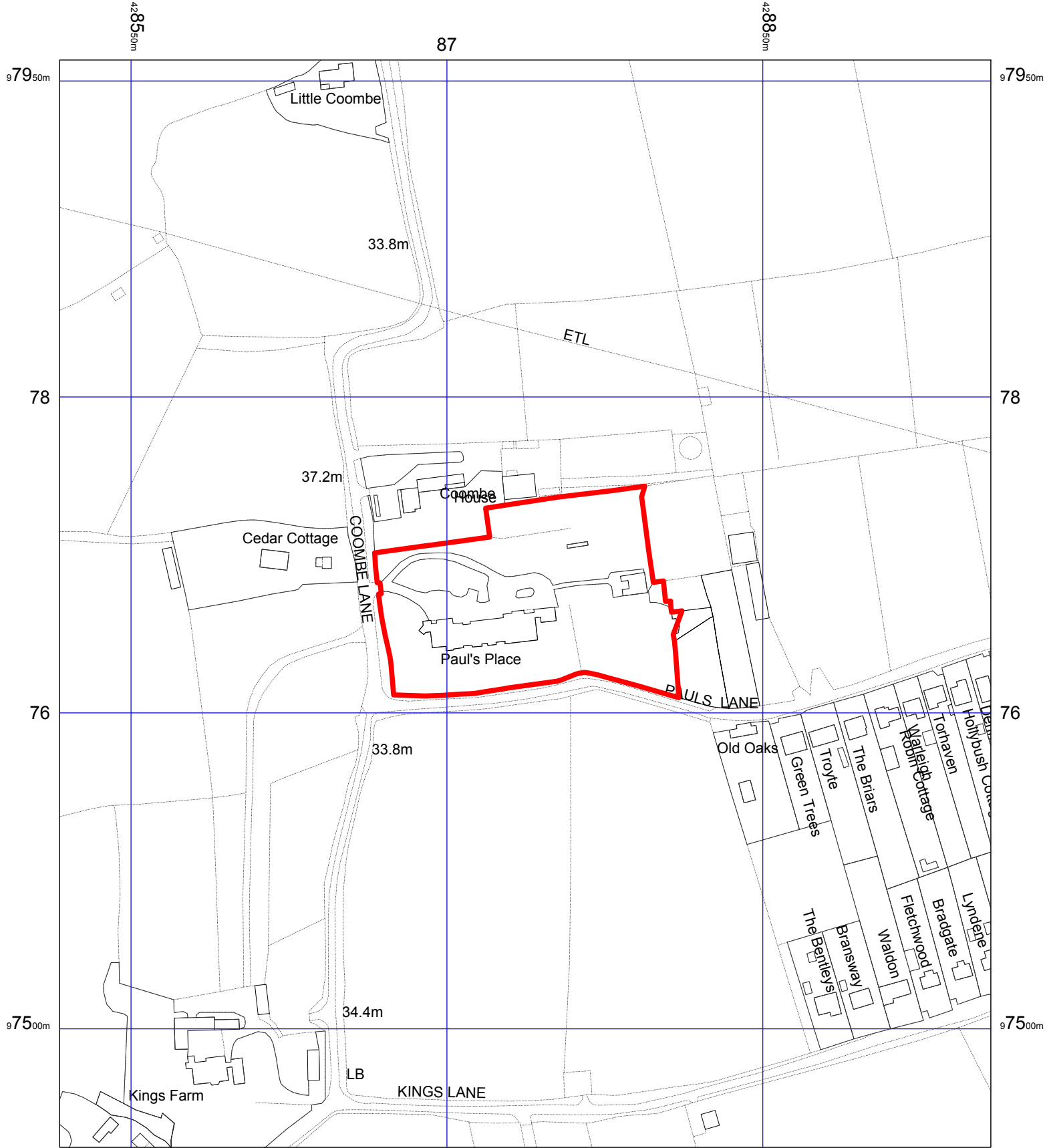
Reason: In view of the physical characteristics of the plot, the New Forest National Park Authority would wish to ensure that any future development proposals do not adversely affect the visual amenities of the area and the amenities of neighbouring properties, contrary to Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 11 House A shall be retained as a single residential unit only, and at no time shall the annexe be severed to form a separate unit of accommodation.

Reason: To protect the character and appearance of the countryside in accordance with Policies CP12 and DP10 of the adopted New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 12 The outbuildings the subject of this permission shall only be used for purposes incidental to the dwelling on the site and shall not be used for habitable accommodation such as kitchens, living rooms and bedrooms.

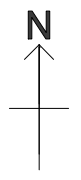
Reason: To protect the character and appearance of the countryside in accordance with Policies DP11 and DP12 of the adopted New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).



New Forest National Park Authority
 Lymington Town Hall, Avenue Road,
 Lymington, SO41 9ZG
 Tel: 01590 646600 Fax: 01590 646666
 Date: 01/09/2016

Ref: 16/00457/FULL
Scale: 1:2500

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Application No: 16/00619/FULL Full Application

Site: The Old School House, Church Lane, Sway, Lymington, SO41 6AD

Proposal: 5no. detached dwellings; sheds; access; widening of footpath; associated landscaping (Revised design to Planning Permission 15/00376)

Applicant: Moortown Developments

Case Officer: Clare Ings

Parish: SWAY

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. DEVELOPMENT PLAN DESIGNATION

Defined New Forest Village

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

CP7 The Built Environment
CP9 Defined Villages
CP12 New Residential Development
DP1 General Development Principles
DP6 Design Principles

4. SUPPLEMENTARY PLANNING GUIDANCE

Design Guide SPD
Sway Village Design Statement

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 6 - Delivering a wide choice of high quality homes
Sec 7 - Requiring good design
Sec 11 - Conserving and enhancing the natural environment

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Sway Parish Council: Recommend refusal. The Committee noted that the five units have already been subject to a previous application to allow a single storey extension in each case. The currently proposed application is to extend that single storey extension. The Council are concerned that the proposed increase in the footprint for each house would result in the scheme becoming too dense in terms of its build elements which would adversely impact the character and appearance of the wider area.

8. CONSULTEES

No consultations required

9. REPRESENTATIONS

9.1 None received.

10. RELEVANT HISTORY

10.1 Application to vary condition 10 of planning permission 15/00987 to allow a minor material amendment to planning permission reference 15/00376 (16/00311) approved on 6 June 2016

10.2 5no. detached dwellings; sheds; access; widening of footpath; associated landscaping (demolition of existing buildings) (Application for a non-material amendment to 15/003767) (15/00987) - no objections raised 8 January 2016

10.3 5no. detached dwellings; sheds; access; widening of footpath; associated landscaping (demolition of existing buildings) (15/003767) approved on 28 July 2015

11. ASSESSMENT

11.1 The application site occupies a corner plot at the junction of Westbeams Road and Church Lane. It is a level site and previously comprised a single large two storey height red brick Victorian building of character with a tiled roof. Development of the site is now well under way.

11.2 The proposal to demolish the existing building and erect five detached dwellings was given planning consent in July 2015 (15/003767), and subsequently amended to include a small single storey extension to the rear of each dwelling in June 2016 (16/00311). The dwellings would be predominantly two-storey, and would be constructed of traditional materials - brick under a tiled roof. Four of the dwellings were to be accessed off Church Lane, with the remaining one to be accessed off Westbeams Road, and parking would be to the front of the dwellings. There would be provision within each garden for a small shed.

- 11.3 This application is for a further alteration to the design of the development, and is to increase the size of the single storey extension to the rear of each dwelling. The extensions permitted under 16/00311 added just over 6m² to each dwelling - a depth of the projection being some 1m. This proposal seeks to increase that depth by 1.5m, which would add a further 9m² to each dwelling. The key consideration is whether this additional floorspace would result in an overdevelopment of the site and cramped layout.
- 11.4 It is acknowledged that the development is quite "tight", and the dwellings, with the exception of Plot 1, always had relatively small rear gardens. The comments of the Parish Council are noted, and whilst the increase in floorspace of the dwelling would further encroach into the garden space, it is a relatively modest increase, single storey only and therefore is not considered would significantly harm the overall balance between the built form and garden/open space, or adversely harm the character and appearance of the wider area.
- 11.5 The Sway Village Design Statement aims to avoid high density cramped developments, but it is not considered that the further small extensions to the properties on this site would be contrary to the guidelines contained within that document.
- 11.6 A Unilateral Undertaking was signed at the time of the original application (15/00376) requiring contributions towards SPA (both New Forest and Southampton and Solent Water) to be paid prior to the commencement of development. The development has now commenced and that payment has been made, thus there is no need to update the Unilateral Undertaking.
- 11.7 Permission is therefore recommended.

12. RECOMMENDATION

Grant Subject to Conditions

Condition(s)

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Development shall only be carried out in accordance with Drwgs: 8562/400, 8562/401, 8562/402, 8562/403, 8562/404, 8562/405 and 8562/406. No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest

National Park Authority.

Reason: To ensure an acceptable appearance of the building in accordance with policies CP7, CP8, DP6 and DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) December 2010.

- 3 The external facing materials to be used in the development shall be as follows:

Walls: Brick - Wienerberger Olde Henfield Multi
Detail: Natural Sandstone window headers
Roof: Siga 69 Natural Slate tile

as approved on 21 July 2016, unless otherwise agreed in writing by the New Forest National Park Authority.

Reason: To ensure an acceptable appearance of the building in accordance with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 4 Landscaping of the site shall only take place in accordance with the details included on Drwg No 8562/207 approved on 21 April 2016, unless otherwise agreed in writing by the New Forest National Park Authority.

Reason: To ensure that the development takes place in an appropriate way and to comply with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 5 The development hereby permitted shall not be occupied until the arrangements for parking, both car and cycle, shall have been made within the site in accordance with the approved plans and shall be retained thereafter.

Reason: To ensure adequate parking provision is made in the interest of highway safety and to comply with Policies DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010) and Section 4 of the National Planning Policy Framework.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: In view of the physical characteristics of the plot, the New Forest National Park Authority would wish to ensure that any future development proposals do not adversely affect the visual amenities of the area and the amenities of neighbouring properties, contrary to Policy DP10 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 7 Unless otherwise agreed in writing by the National Park Authority, development shall only take place in accordance with the recommendations for ecological mitigation and enhancement which are set out in the ecological report (ref The Wood Burning Centre_28032015 updated 4 July 2015) hereby approved, and the further details shown on Drwg No 8562/101 Rev B approved on 21 April 2016. The specified measures shall be implemented and retained at the site in perpetuity.

Reason: To safeguard protected species in accordance with Policies DP1 and CP2 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 8 Disposal of surface water from the site shall only be carried out in accordance with the details included on Drwg No 8562/300 Rev F and the Surface Water Strategy Report approved on 21 July 2016 unless otherwise approved in writing by the New Forest National Park Authority.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

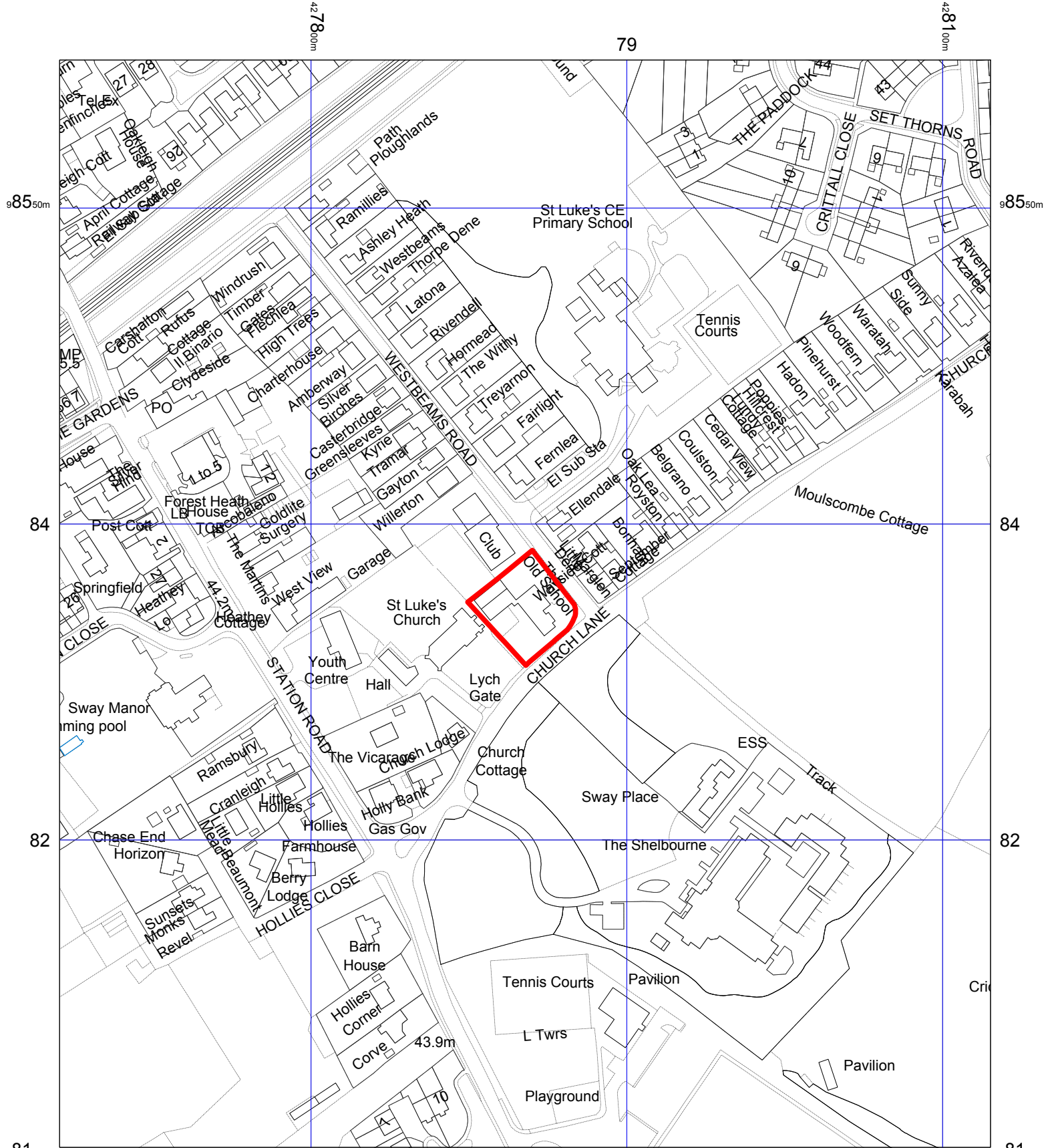
- 9 The trees on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the details indicated on Drwg No 8562/207 approved on 21 April 2016, unless otherwise agreed in writing by the National Park Authority.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area, in accordance with Policies DP1 and CP2 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

Informative(s):

- 1 All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under

Regulation 41 of the Conservation of Habitats and Species Regulations 2010. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given the relevant contact number for Natural England, which is 0845 600 3078.



NEW FOREST
NATIONAL PARK

New Forest National Park Authority
Lymington Town Hall, Avenue Road,
Lymington, SO41 9ZG

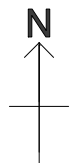
Tel: 01590 646600 Fax: 01590 646666

Date: 27/09/2016

Ref: 16/00619/FULL

Scale: 1:2500

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Application No: 16/00621/FULL Full Application

Site: Fleetwater Cottage, Newtown Road, Minstead, Lyndhurst, SO43 7GJ

Proposal: Garage (demolition of existing garage)

Applicant: Mr S Hodgkins

Case Officer: Katie McIntyre

Parish: MINSTEAD

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. DEVELOPMENT PLAN DESIGNATION

Conservation Area: Forest Central South

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

DP1 General Development Principles
DP6 Design Principles
DP12 Outbuildings
CP7 The Built Environment
CP8 Local Distinctiveness

4. SUPPLEMENTARY PLANNING GUIDANCE

Design Guide SPD

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 7 - Requiring good design
Sec 11 - Conserving and enhancing the natural environment
Sec 12 - Conserving and enhancing the historic environment

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Minstead Parish Council: Recommend permission, appears to have addressed previous concerns.

8. CONSULTTEES

8.1 Building Design & Conservation Area Officer: Objection.

9. REPRESENTATIONS

9.1 One representation of support:

- Proposed development is more in keeping with the design principles of the conservation area than the existing building.
- Having sufficient parking to meet the needs of the dwelling removes the risks associated with on-road parking.

9.2 One representation of comment:

- Less obtrusive than the application submitted in May 2015.
- The design of the roof is overly complicated in terms of its form and appearance. Traditional vernacular outbuildings in the New Forest typically have simple forms.
- Roof would be more in keeping with the Arts and Crafts movement if it had full hips.

10. RELEVANT HISTORY

10.1 15/00395 - garage (demolition of existing garage) refused on 7 July 2015

11. ASSESSMENT

11.1 The application site is a detached dwelling which is located in a prominent position within the Forest Central South Conservation Area. Fleetwater Cottage forms part of a notable group of buildings with Fleetwater House. They are relatively high status late C19th buildings, with design detailing from the Arts and Crafts period. Fleetwater Cottage is an ancillary building to Fleetwater House being smaller and more simply detailed, with bricks, a clay tile roof, a single chimney and timber multiple pane casement windows. It has been identified as a building of local importance within the conservation area character appraisal and as such is considered to be an undesignated heritage asset. This application seeks consent for a garage; the existing garage at the site would be demolished.

11.2 A recent application (15/00395) for a replacement garage at the site was refused for the following:

The proposed outbuilding, by reason of its excessive scale, size and appearance, would appear as an unduly prominent and visually intrusive structure within the street scene and out of keeping with the host property 'Fleetwater Cottage', resulting in a harmful impact upon the character and appearance of the locality

and the surrounding conservation area.

This previous application sought consent for a garage with a footprint of 6.5m by 7.5m and ridge height of 4.6m as seen from Newtown Road. Attached to the double garage was a workshop which had a further footprint of 2.7m by 6.5m and ridge height of 3m above ground level. The structure would have had a total footprint of circa 65m².

- 11.3 The current application seeks consent for a smaller garage which would have a footprint of 6.5m by 6m and a ridge height of 4m as viewed from Newtown Road. Attached to the garage would be a workshop measuring 2m by 5m. In total the building would have a footprint of approximately 50m². The relevant issues which still need to be considered are the impact upon the character and appearance of the conservation area and whether the outbuilding would be appropriate to the host dwelling. Whilst the reduction in the size of the outbuilding is welcomed, in this prominent location to the frontage of the site abutting Newtown Road, there are still concerns with regards to its overall size, scale and appearance within the street scene.
- 11.4 The guidance contained within the National Planning Policy Framework (NPPF) states that development shall contribute positively to making places better (para 56) and that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area (para 64). Moreover, paragraph 137 of the NPPF states that Local Authorities *"should look for opportunities for new development within Conservation Areas...and within the setting of heritage assets to enhance or better reveal their significance"*. Core Strategy policies also emphasise the need for good design requiring new development to demonstrate high quality design which enhances local character and distinctiveness ensuring that development is appropriate and sympathetic in terms of scale, appearance, form and siting. The supporting text accompanying Policy DP12 recognises that the New Forest is the most densely populated National Park in the UK and that there is a considerable development pressure to provide for ever larger outbuildings. It is therefore important that proposals for outbuildings are carefully controlled to ensure that they do not appear visually intrusive or detrimental to the character of the New Forest. This is supplemented by the Authority's Design Guide SPD which requires outbuildings to be incidental and subservient to the dwelling in scale and appearance.
- 11.5 Due to the forward siting of the building, together with the open views afforded across the amenity space of Fleetwater Cottage and the changes in level along Newtown Road, any addition in this sensitive location would appear as a prominent addition within the street scene. It is therefore important that any replacement

outbuilding is of a high quality design which enhances the character and appearance of the locality. The garage in situ is thought to have a modest and subsidiary character to the host dwelling which, although visible from within the street scene, has minimal visual impact due to its appropriate scale and design. In contrast, it is considered that the proposed outbuilding, by reason of its scale, size and resulting appearance which is considered to be overly complicated and suburban, would appear as an unduly prominent and visually intrusive structure within the street scene. It is considered that the design of the outbuilding and its contrived and complicated roof forms would exacerbate its size and bulky appearance. The outbuilding would be particularly dominant when travelling in a north easterly direction towards the ford and would appear out of keeping with the host property 'Fleetwater Cottage'.

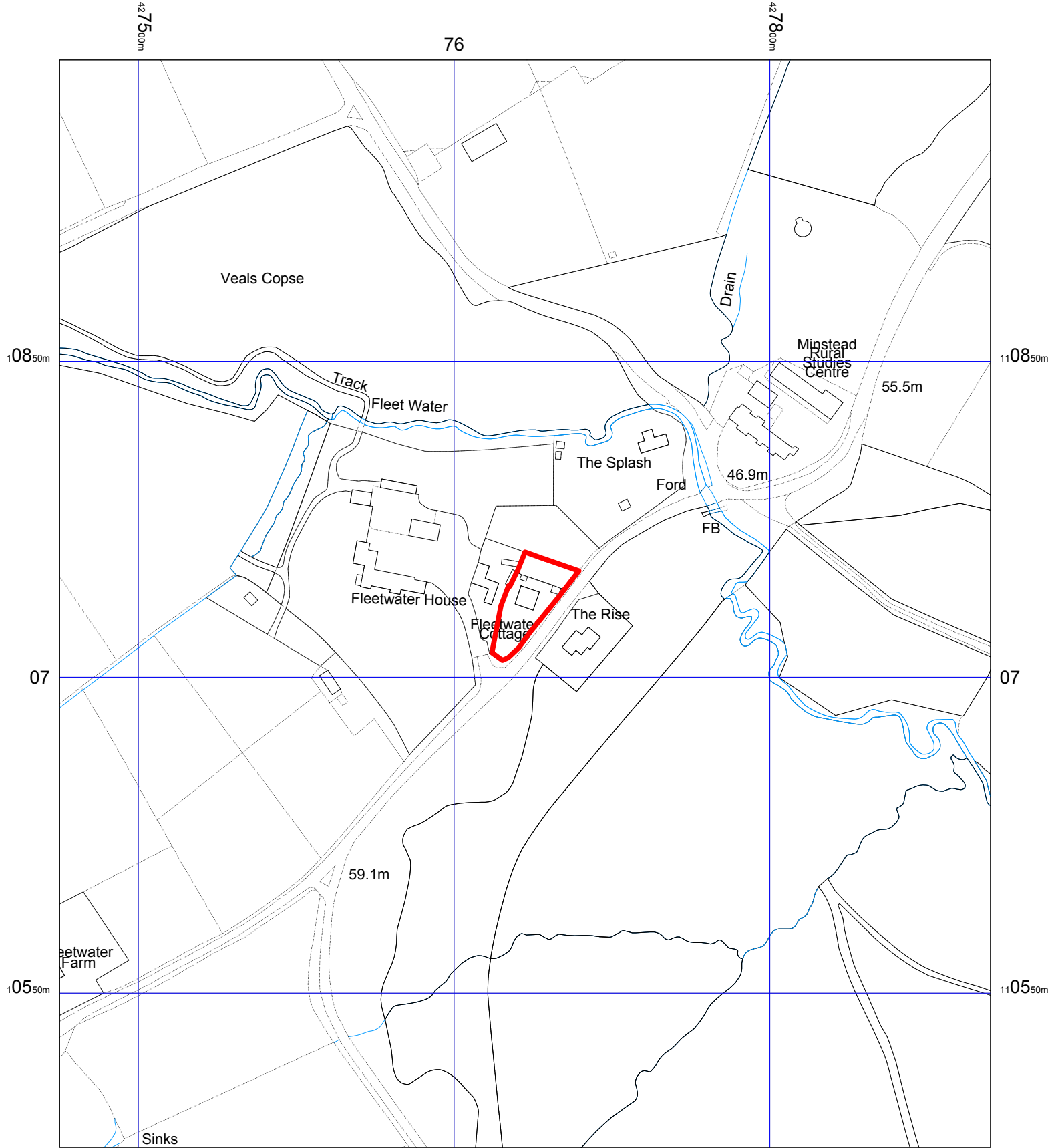
- 11.6 Due to the proposed siting of the addition it is not considered there would be a greater impact upon the amenities of the adjacent properties. However, for the reasons stated above it is considered the proposal would result in an adverse impact upon the character and appearance of the locality and the surrounding conservation area. It is therefore considered the proposal would fail to comply with local and national planning policy and as such refusal is recommended.

12. RECOMMENDATION

Refuse

Reason(s)

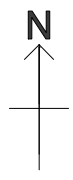
- 1 The proposed outbuilding, by reason of its scale, size and overly complicated and suburban appearance, would appear as an unduly prominent and visually intrusive structure within the street scene, out of keeping with the host property 'Fleetwater Cottage', resulting in a harmful impact upon the character and appearance of the locality and the surrounding conservation area. The proposal would therefore be contrary to policies DP1, DP6, DP12, CP7 and CP8 of the New Forest National Park Core Strategy and Development Management Policies DPD (December 2010), Design Guide SPD and the National Planning Policy Framework.



New Forest National Park Authority
 Lymington Town Hall, Avenue Road,
 Lymington, SO41 9ZG
 Tel: 01590 646600 Fax: 01590 646666
 Date: 28/09/2016

Ref: 16/00621/FULL
Scale: 1:2500

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Application No: 16/00662/FULL Full Application

Site: Skymers, Stoney Cross Plain Road, Newtown, Minstead, Lyndhurst, SO43 7GF

Proposal: Single storey side, front and rear extension; two storey side extension; outbuilding; porch; entrance gates

Applicant: Mr Dorman & Mrs Bruce

Case Officer: Emma MacWilliam

Parish: MINSTEAD

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. DEVELOPMENT PLAN DESIGNATION

Conservation Area

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

DP1 General Development Principles
DP6 Design Principles
DP11 Extensions to Dwellings
DP12 Outbuildings
CP6 Pollution
CP7 The Built Environment
CP8 Local Distinctiveness

4. SUPPLEMENTARY PLANNING GUIDANCE

Design Guide SPD

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 7 - Requiring good design
Sec 11 - Conserving and enhancing the natural environment
Sec 12 - Conserving and enhancing the historic environment

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Minstead Parish Council: Recommend refusal due to excessive height of garage with potential for conversion to accommodation and the neighbour's concern about proximity of the structure to the boundary is noted.

8. CONSULTEES

8.1 Ecologist: No objection subject to conditions

9. REPRESENTATIONS

9.1 Two letters of representation from neighbouring property 'Skymers Minor' objecting to the proposals and raising concerns regarding; anomalies and discrepancies in the plans; how the adjoining garage is to be protected once the demolition has taken place; impacts upon designated habitats from vehicles accessing proposed outbuilding; proposed size and scale of the proposed garage and associated accommodation and resultant overshadowing, noise and disturbance and loss of privacy in addition to the ease of the conversion to secondary accommodation; proposed red facing brickwork and lack of landscape proposals; potential impacts upon nesting birds and/or roosting bats as a result of the demolition of the outbuildings.

10. RELEVANT HISTORY

10.1 None

11. ASSESSMENT

11.1 Skymers is a locally listed house sited within the Forest Central (South) Conservation Area and surrounded by open forest. The property is accessed via a gravel track which serves residential properties. There are several large outbuildings in the north western corner of the site with hedge plating along the boundaries offering some screening to these. The property lies immediately adjacent to SSSI, SAC, SPA and Ramsar habitats.

11.2 The application proposes a two storey side extension, single storey front, side and rear extensions, porch and entrance gates. The existing outbuildings are proposed to be demolished and replaced and the replacement building is proposed to contain a garage, garden store, workshop and tack room. As requested by the Case Officer the applicant has omitted the stable drawing shown on the proposed site plans originally submitted as this is not included in the description of development.

11.3 The main issues for consideration are;

- Whether the extensions are appropriate to the main house and

- site and whether they will preserve and enhance the character and setting of the locally listed building and Conservation Area;
 - Whether the outbuilding is appropriate in size, scale, siting and design to the main house, site, rural context and whether it will preserve and enhance the character and setting of the locally listed building and Conservation Area;
 - Impact upon neighbouring amenity;
 - Impact upon protected species and habitats.
- 11.4 The applicant sought preapplication advice and this has been taken into account.
- 11.5 It appears that the existing property has not been extended since 1982 and therefore, as it is not a small dwelling and is sited outside the Defined Villages, in principle the property could be extended by up to 30% under Policy DP11. The proposed extensions represent a 30% increase on the existing floorspace.
- 11.6 The proposed extensions are considered to be acceptable by way of siting, scale and design and will integrate with the existing building, preserving its existing character and appearance. The extensions will mean that the building will appear more prominent from the open forest, however this will not give rise to any adverse impact upon the character and setting of the site, Conservation Area the wider open forest landscape.
- 11.7 With regard to the concerns raised by the neighbour of the proposed materials the applicant has advised that the proposal is to repaint the existing elements of the house in a natural colour to suit the forest and for the new additions to be finished in red facing brickwork. The applicant advises that the reason for this is that the change in material finishes will give clean lines between new and old, but by matching the window proportions and design and matching roof finishes the new elements will tie in to the existing property. Details of finishes and materials proposed can be secured by condition for agreement.
- 11.8 Whilst the proposed outbuilding would be visible from the track it would not appear unduly prominent or overbearing to the main house the building to the detriment of its character or setting. The design and materials proposed would ensure the proposed building would have a rural character. It is proposed the new outbuilding is finished in unfinished timber feather edge boarding above a low red brick plinth.
- 11.9 The existing outbuildings have a cumulative footprint of around 80 sqm with a height of 2.6m. The proposed outbuilding would have a height at its highest point of 4.8m, with a footprint of 102 sqm. Whilst of a larger scale than the existing, the proposed outbuilding would be replacing several existing outbuildings already on the

site which currently have various uses. The proposed building is considered to be appropriate and incidental to the dwelling and the domestic curtilage. The character and setting of the building, Conservation Area and wider open forest would be preserved. Whilst the concerns of the parish Council the use of the building as incidental to the main dwelling can be secured by condition.

- 11.10 The site is large enough to accommodate an outbuilding of the proposed scale, however it is accepted that cumulatively a proliferation of outbuildings can begin to have a negative or harmful impact upon the character and setting of a building and its site. It is considered that any further outbuildings on this site could begin to erode its character and setting and that of the open forest and Conservation Area. As such the removal of Permitted Development rights for further outbuildings at this site is considered both necessary and reasonable.
- 11.11 The proposed extensions would not directly impact upon neighbouring amenity due to the siting of the two adjacent properties away from the boundaries with the application property. It is noted that the proposed outbuilding would be larger in scale and height than the existing and would therefore be more prominent when viewed from the neighbouring property to the north, however it is not considered that this would give rise to materially harmful levels of overlooking or loss of light, outlook or privacy which would warrant the refusal of the application due to the separation between Skymers Minor and the proposed outbuilding.
- 11.12 With regard to the issue of the garages to be demolished being attached to that of the neighbouring property, the applicant has advised that the neighbouring garage will be left watertight and finished in cladding to match the other three elevations and that the works will be covered by the appropriate Party Wall Agreement.
- 11.13 The property is sited adjacent to the New Forest SPA, SAC, SSSI and Ramsar sites. As such a condition for the storage of machinery and materials within the site is necessary. In relation to the concerns raised by the neighbour regarding access to the proposed outbuilding across the designated habitats, the applicant has advised that the access gates shown on the plans are to make use of the existing vehicular access to the property via the existing garages that are proposed to be demolished, which open on to the forest. Although the access is currently overgrown there are existing access rights with no new access proposed.
- 11.14 With regard to ecology the NPA Ecologist has advised that the existing garages themselves may offer little potential for significant bat roost activity as they appear to lack stable thermal

qualities and may be quite light inside if the doors are not well fitting. The statement from the neighbour that bats are roosting in nearby properties indicates they are present in the area and there could therefore be an increased likelihood of presence in the structures affected. A pre-commencement condition for a bat mitigation and enhancement plan would be expedient in this instance.

- 11.15 The application is in accordance with the requirements of Policies DP1, DP6, DP11, DP12, CP1, CP2, CP7 and CP8 of the adopted New Forest National Park Core Strategy and is therefore recommended for approval.

12. RECOMMENDATION

Grant Subject to Conditions

Condition(s)

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

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

- 2 No development shall take place until samples or exact details of the facing and roofing materials have been submitted to and approved in writing by the New Forest National Park Authority.

Development shall only be carried out in accordance with the details approved.

Reason: To ensure an acceptable appearance of the building in accordance with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: To ensure the dwelling and amount of built form on the site remains of a size which is appropriate to its location within the

countryside and to comply with Policies DP1, DP10 and DP11 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 4 The garage outbuilding the subject of this permission shall only be used for purposes incidental to the dwelling on the site and shall not be used for habitable accommodation such as kitchens, living rooms and bedrooms.

Reason: To protect the character and appearance of the countryside in accordance with Policies DP11 and DP12 of the adopted New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 5 No external lighting shall be installed on the site unless.

Reason: To protect the amenities of the area in accordance with Policies DP1 and CP6 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 6 All materials, machinery and any resultant waste materials or spoil shall be stored within the red line application site unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of protecting the New Forest Site of Special Scientific Interest in accordance with Policy CP2 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

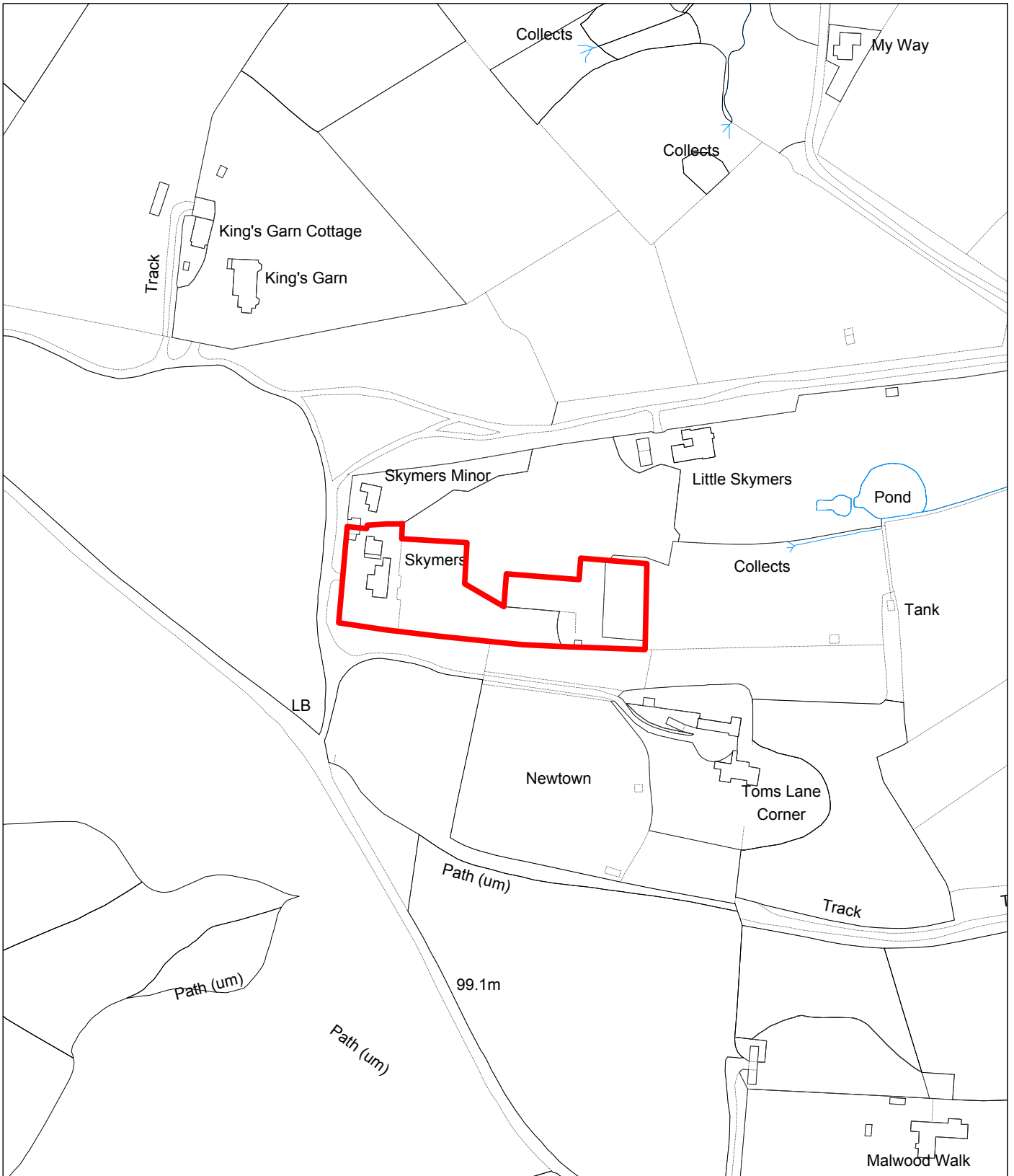
- 7 Prior to the commencement of development (including site and scrub clearance), measures for ecological mitigation and enhancement (including timescales for implementing these measures) in the form of a bat mitigation and enhancement method statement shall be submitted to and approved in writing by the National Park Authority. The measures thereby approved shall be implemented and retained at the site in perpetuity.

Reason: To safeguard protected species in accordance with Policies DP1 and CP2 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 8 Development shall only be carried out in accordance with Drawings 4/LDCB/15/A, 2/LDCB/15/B, 1/LDCB/15/C and 3/LDCB/15/D. No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority.

Reason: To ensure an acceptable appearance of the building in accordance with policies CP7, CP8, DP6 and DP1 of the New

Forest National Park Core Strategy and Development
Management Policies (DPD) December 2010.



New Forest National Park Authority
 Lymington Town Hall, Avenue Road,
 Lymington, SO41 9ZG

Tel: 01590 646600 Fax: 01590 646666

Date: 07/10/2016

Ref: 16/00662/FULL

Scale: 1:2500

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Application No: 16/00670/FULL Full Application

Site: Brambley Hedge, Lyndhurst Road, Landford, Salisbury, SP5 2BJ

Proposal: Use of land as a single pitch gypsy caravan site for a temporary period of 5 years

Applicant: Mr R Whitcher

Case Officer: Paul Hocking

Parish: LANDFORD

1. REASON FOR COMMITTEE CONSIDERATION

Previous Committee consideration of matters at this site

2. DEVELOPMENT PLAN DESIGNATION

No specific designation

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

DP1 General Development Principles
CP13 Gypsies, Travellers & Travelling Showpeople

4. SUPPLEMENTARY PLANNING GUIDANCE

Landford Village Design Statement

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 11 - Conserving and enhancing the natural environment

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Landford Parish Council: Recommend refusal:

Considers this application to be a flagrant abuse of the planning system In the current application there is nothing to prove that the applicant has the benefit of gypsy status. Indeed the keeping of livestock is a contra-indication of a nomadic life-style.

There is nothing to demonstrate that the applicant has made any effort whatsoever to find alternative accommodation.

The Ruston Planning document does not include any assessment of need within the New Forest National Park, as required by CP13. Planning policies and assessed needs from neighbouring planning authorities are irrelevant. The land was previously fallow grassland and had been such for many years. The existing septic tank does not have consent. This site does not satisfy CP13: the impact of the site on the landscape and character is not acceptable. This was the view of Inspector Hellier (at the Inquiry held in October 2014).

Reports of bonfires on the site with noxious smoke – a serious detriment to the amenities of neighbouring properties but something which is notoriously difficult to control by conditions.

It is noted that the application is for a 3-bedroom mobile home which cannot be justified on need ground since the applicant now lives on his own. Difficult to see any justification for granting this application, which seems effectively identical to the previous one that was dismissed on appeal. No evidence has been presented to show any effort to find alternative accommodation, instead there have been a series of attempts to circumvent the relevant planning policies.

To grant *any* temporary permission will provide an opportunity for further applications to extend the period of permission.

Redlynch Parish Council: (neighbouring parish) Recommend refusal:

The Parish Briefing identified that on the property remains an extant Enforcement Notice of the New Forest National Park Authority which precludes the residential use of the site. An Appeal decision in 2015 dismissed the applicant's case to be in residence and subsequently entered into an Order by Consent before a deputy High Court Judge to vacate and clear the site by 16 September 2016.

It has been recognised that the Wiltshire section of the National Park has a disproportionate number of Gypsy and Traveller sites compared with the rest of the Park. Landford and Redlynch has one permanent site each which means the National Park meets its planned requirement up to 2027. Consider that the National Park Authority should identify other sites outside the Wiltshire Section to fulfil all future demand.

8. CONSULTEES

No consultations required

9. REPRESENTATIONS

9.1 21 representations received objecting to the application:

Contrary to policy CP13 and DP1; no fundamental changes in

applicants circumstances; agricultural land; adequate time given to find another site; makes a mockery of the planning system; case proven that no need for development of this site; not appropriate development in the National Park; has been through the Courts and should have vacated the site in September; query whether applicant is a gypsy; no guarantee the applicant would move after 5 years; harms the appearance and tranquillity of the National Park; highway safety implications; application submitted to delay the process; application should be rejected; large accommodation; enforcement of planning control is in the wider public interest; 9 months was ample time to vacate the site; detrimental impact to the area; eyesore; not in the interests of natural justice.

10. RELEVANT HISTORY

- 10.1 High Court Order (by Consent) to vacate the land by 16 September 2016 entered into by Mr Witcher on 25 November 2015.
- 10.2 Change of use of land to single gypsy pitch (12/97573) refused on 15 August 2012 and dismissed at appeal on 23 March 2015.
- 10.3 Enforcement Notice served on 20 July 2005 directed against the stationing of a residential mobile home, amongst other matters, and appeal dismissed on 28 February 2006.

11. ASSESSMENT

- 11.1 The application site lies within the wider open countryside of the New Forest National Park, in an area comprising mainly agricultural and pasture land divided into smaller fields and paddocks. Copses of deciduous trees line the low ridge which runs parallel to Lyndhurst Road. The area comprises linear development along Lyndhurst Road and is generally of rural residential character. To the immediate rear of the dwellings, the land either comprises long rear gardens or paddocks. The application site itself comprises a small rectangular plot of land, some 0.27ha in size and forms the corner of a larger paddock, with the access track on two sides, and is currently occupied by a static mobile home, an area of hardstanding and some existing structures consisting of former a chicken shed/field shelter and a polytunnel frame.
- 11.2 Mr Witcher, the applicant, has residentially occupied the site unlawfully since September 2012. This application proposes a 5 year period largely premised on a humanitarian basis to enable him more time to find what he considers to be a suitable site/accommodation.
- 11.3 The key planning consideration is whether the case made by Mr

Whitcher in this planning application outweighs the harm previously identified.

- 11.4 As means of overview enforcement matters at this site first commenced in September 2012 when Mr Whitcher stationed a residential mobile home and touring caravan on the land in contravention of an Enforcement Notice from 2005. This followed the refusal of his planning application a month earlier to use the site as a single gypsy pitch. The Authority applied for an Injunction at the High Court but subject to an undertaking by Mr Whitcher the application was held in abeyance by the Judge to enable the refusal of planning permission to be appealed. The original appeal was allowed but was subsequently overturned in the High Court as it was ruled the Inspector erred through his misapprehension of our policies. The appeal was then re-run and dismissed following a Public Inquiry. That decision was then challenged by Mr Whitcher in the High Court but his case was dismissed. This then finally enabled the Authority to conclude its original Injunctive proceedings which were secured with the consent of Mr Whitcher in November 2015. The date to cease his residential occupation of the land and remove the mobile home and other necessary items was agreed for 16 September 2016.
- 11.5 During those latter High Court appearances Mr Whitchers' representatives suggested that they may consider submitting a planning application to try and secure a longer temporary period on a 'humanitarian basis' to enable him to find what he considered to be a suitable site outside of the National Park. We acknowledged that if an application was submitted and then refused and appealed within the timeframe afforded by the Injunction (i.e. by 16 September) we would not oppose an application to the High Court to extend the operation of the Injunction given the time it currently takes the Planning Inspectorate to determine a planning appeal.
- 11.6 However, Mr Whitcher only submitted a valid planning application on 24 August, some 8 months after consenting to the Injunction. There was thus insufficient time for the Authority to consider and determine the application before 16 September let alone Mr Whitcher, should he then disagree with the decision, to lodge a planning appeal and apply to the High Court for an extension of time. It is therefore considered that Mr Whitcher is now in contempt of Court and liable to imprisonment as he has disobeyed the Injunction.
- 11.7 Irrespective of this point it is incumbent on the Authority to determine the planning application as submitted. The Inspector from the dismissed appeal concluded that:

'The NPPF [National Planning Policy Framework] seeks to restrict development in National Parks which would harm their landscape

quality. In accordance with this broad objective Core Strategy Policy CP13 limits traveller development to that which needs to be located in the National Park. The proposal does not comply with Policy CP13. Substantial harm arises from this policy conflict and further significant harm as a result of the actual landscape effect on the ground. This harm is not outweighed by other considerations which favour the proposal, namely the wider unmet need for sites, the accommodation needs of the occupiers and their personal circumstances. This would be an unsustainable development contrary to the NPPF and development plan policies set out.'

'Human rights are integral to considering personal circumstances and accommodation. As such they are already part of the planning balance. Having regard to the alternatives available to the appellant and his dependants and the policy and environmental harm to the National Park I consider dismissing the appeal is the minimum action necessary to avoid the harm and would be a proportionate response to this harm.'

- 11.8 Furthermore in respect of a temporary permission the Inspector stated that:

'The PPTS [Planning Policy for Travellers Sites] advises that where there is a lack of a five year supply of sites it should be a significant material consideration. However since I find that the appellant does not need a site in the National Park the situation is unlikely to change at the end of any temporary period. This being so, a temporary permission would be contrary to the advice in the PPG [Planning Practice Guidance]. The evidence is that alternative sites would be hard to find and the appellant has limited resources. However in this instance the option of conventional housing would be a realistic option from where the appellant could continue to search for another site. On balance, although harm to the National Park would be limited to a finite period, I consider it would still be substantial and would not be outweighed by other considerations.'

- 11.9 In terms of policy there has been a change in respect of the PPTS document since the aforementioned dismissed appeal. It is therefore no longer necessary for the Authority to demonstrate a 5 year supply of such sites within the National Park. Furthermore the definition of a gypsy has been clarified to cite consideration of the relevant issues but the planning application, which has been submitted by a professional agent specialising in these planning matters, is silent about whether Mr Whitcher still meets the definition. Clarification was sought but no response was received.
- 11.10 It is observed from the planning application that Mr Whitcher has made some limited efforts to enquire as to the availability of what he considers to be a suitable site but there remains the prospect

of bricks and mortar accommodation in this case as it was recorded by the previous Inspector that Mr Witcher could use a 'conventional property as a base as he has done in the past'. It was recorded that 'for the first forty years of his life Mr Witcher was brought up in, and travelled from, a series of conventional dwellings located outside the National Park.' Furthermore the information provided of Mr Witcher's enquiries do not indicate any greater likelihood of him securing the type of site he wants even by the end of the 5 year period applied for. It is presumed that Mr Witchers' personal circumstances have not changed since the date of the last appeal, as again his application is silent (and whilst clarification was sought no response was received), but it is understood that he has split from his previous partner and so she no longer resides at the site. Whilst those other previous circumstances may remain, recorded in respect of Mr Witcher himself by the Inspector as 'anxiety symptoms' and that his remaining child under the age of 18 does come to visit from where he lives with his mother in Totton, the underlying fact remains that Mr Witcher has lived at this site unlawfully for the last 4 years and the Inspector previously recorded the harm to the character and appearance of the area:

'I conclude that the proposal would have a materially detrimental effect on the landscape character but a more limited visual impact. As this is a designated landscape of national importance I conclude that significant weight should be attached to the overall harm caused to its character and appearance.'

- 11.11 It now appears to be common ground that Mr Witcher does not have a locational need for the site within the National Park as is required by policy CP13 and so he cannot remain. This temporary application has now come forward but it is not considered that a case has been made on a humanitarian basis or otherwise to justify granting a temporary planning permission, even for a lesser period than proposed. His case largely relies on the basis of his enquiries indicating a lack of gypsy sites in neighbouring local authorities. In sum, the continued residential occupation of the application site with the associated accoutrements and harm that has already been identified and accepted at appeal and which remains has not been outweighed.

12. RECOMMENDATION

Refuse

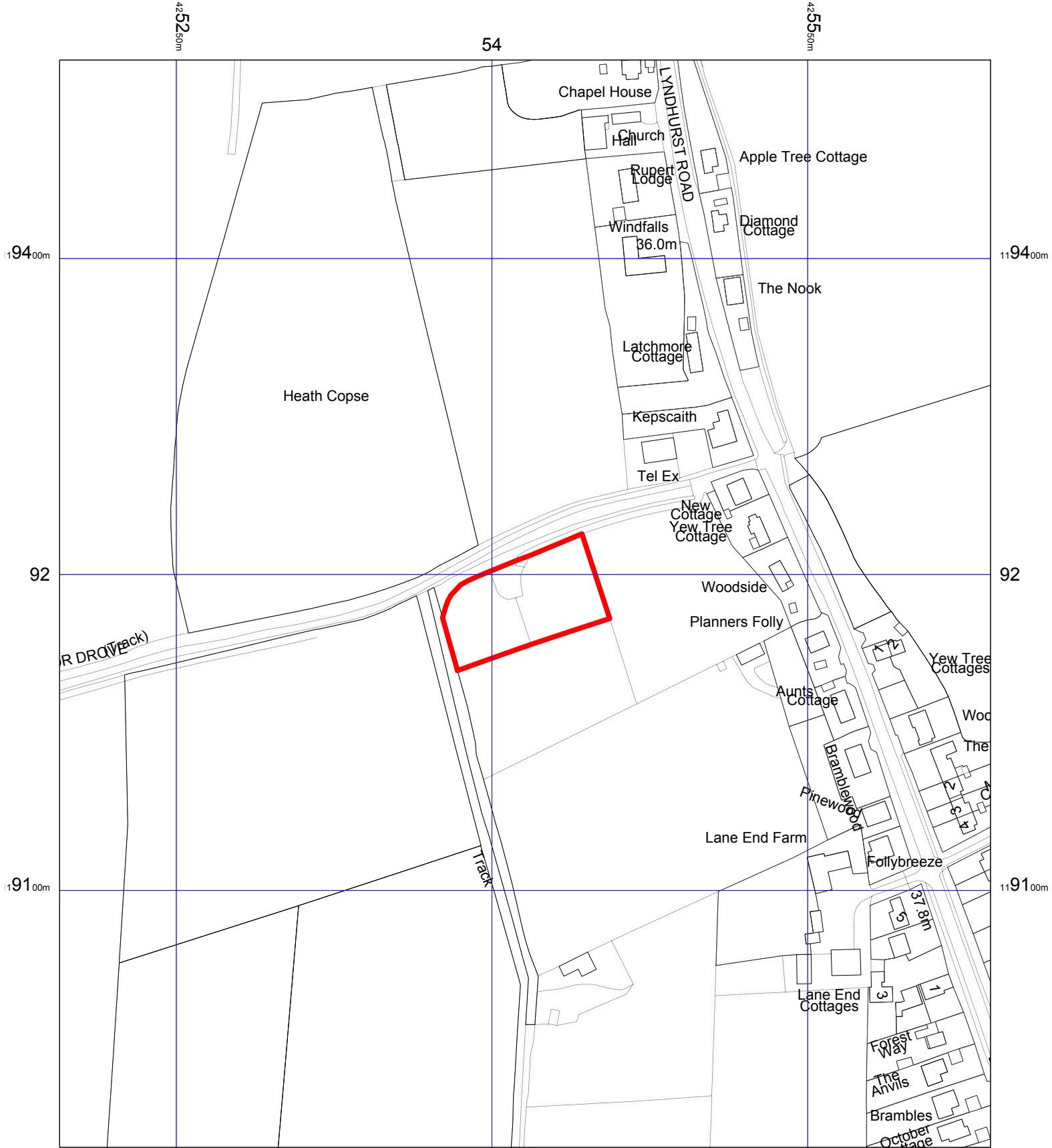
Reason(s)

- 1 The applicant's residential occupation of the site is contrary to policy CP13 of the adopted New Forest National Park Core Strategy and Development Management Policies DPD. Whilst an application for a temporary period has been submitted a case has

not been made on a humanitarian basis or otherwise to justify granting a temporary planning permission, even for a lesser period than the proposed 5 years. The continued residential occupation of the site with the associated accoutrements and harm that has been identified and accepted at Appeal and which remains is not outweighed and is also contrary to policy DP1 of the aforementioned DPD as well as paragraph 115 of the National Planning Policy Framework and associated Planning Practice Guidance and Planning Policy for Travellers Sites documents.

Informative(s):

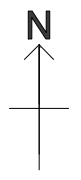
The Authority has considered the application in relation to its adopted Core Strategy, the National Planning Policy Framework and any other relevant material planning consideration and has concluded that the application proposes such an inappropriate form of development that no amendments could be recommended to enable planning permission to be granted.



New Forest National Park Authority
 Lymington Town Hall, Avenue Road,
 Lymington, SO41 9ZG
 Tel: 01590 646600 Fax: 01590 646666
 Date: 27/09/2016

Ref: 16/00670/FULL
Scale: 1:2500

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Application No: 16/00673/FULL Full Application

Site: The Montagu Arms Hotel, 1 Palace Lane, Brockenhurst, SO42 7YG

Proposal: Extension and conversion of barn to create two guest accommodation suites.

Applicant: Mr A Wolseley, Greenclose Hotels Ltd

Case Officer: Deborah Slade

Parish: BEAULIEU

1. REASON FOR COMMITTEE CONSIDERATION

Referred by Authority Member

2. DEVELOPMENT PLAN DESIGNATION

Listed Building
Conservation Area

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

DP1 General Development Principles
CP2 The Natural Environment
CP7 The Built Environment
CP8 Local Distinctiveness
CP19 Access
CP16 Tourism Development
DP17 Extensions to Non Residential Buildings and Uses

4. SUPPLEMENTARY PLANNING GUIDANCE

Design Guide SPD

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 12 - Conserving and enhancing the historic environment
Sec 13 - Facilitating the sustainable use of minerals
Sec 7 - Requiring good design

6. MEMBER COMMENTS

Richard Frampton – requests committee consideration to balance policy considerations with the need to secure upkeep of traditional building which

may otherwise deteriorate

7. PARISH COUNCIL COMMENTS

Beaulieu Parish Council: supports this application as it will secure the future of this dilapidated barn which is of historic significance and importance. Further the proposed use will generate income for the local economy. Hope earlier assurances of providing more car parking within the hotel grounds will be kept. However the Parish Council will accept the decision reached by the NPA's officers.

8. CONSULTEES

8.1 Ecologist: No objections subject to condition.

8.2 Building Design & Conservation Area Officer: Objection on grounds of harm to Listed Building.

8.3 Tree Officer: No objection subject to condition.

9. REPRESENTATIONS

9.1 No representations received.

10. RELEVANT HISTORY

10.1 Conversion of barn to create two guest accommodation suites (15/01009) withdrawn on 4 February 2016

10.2 Conversion of barn to create two guest accommodation suites (Application for Listed Building Consent) (15/01010) withdrawn on 4 February 2016

11. ASSESSMENT

11.1 The Montagu Arms is a Grade II Listed Building, its list description is as follows:

Hotel. 1888 by W H Mitchell extended 1924 by Bizan and Fletcher, altered internally since. Brick with stone dressings some blue header decoration. 1st floor tilehung or timber-frame with plaster infill, plain and fishscale tile roof. Tudor-Jacobean style with Vernacular revival later range; old part 2 storey and attic, 4 bay with to rear, one end, along upper part of High Street, 2 bay wing, at other end, projecting to front later wing lower 2 storey and attic, 4 bay. Main front has at each end projecting gabled bays, one 2 storey, other 3 and jettied gable over centre. All with bargeboards and finials. Off centre rectangular half glazed, hipper roof porch. Either side stone mullioned and transomed windows. Timber windows on upper floors. All windows have leaded

casements. Wide along upper part of street has stepped, shaped gabled at end of main range, gabled timber frame section with balcony, and carriageway below canted bay under gable. Gable dormers on roof. Stack at end of main range and on ridge, set diagonally with clustered shafts.

- 11.2 This application relates to the brick built barn which lies behind the Montagu Arms Hotel, which forms part of a historic farmyard. Although not listed in its own right the barn is curtilage listed as the barn pre-dates 1948, was in the same ownership at the time of the hotel being listed and had an ancillary use associated with the hotel. In addition to being curtilage listed, the barn has been highlighted within the conservation area character appraisal as a building of local historic, architectural, vernacular interest within the Beaulieu Conservation Area.
- 11.3 Planning permission is sought to extend the barn and convert it to form two hotel suites, to be used as guest accommodation in conjunction with the Montagu Arms hotel. Policy DP17 provides for the limited extension of existing non-residential buildings where this would not materially increase the level of impact of the activity on site, and where it would be contained within the existing site boundary. Policy CP7 requires that proposals should protect, maintain or enhance nationally important features of the building environment, such as Listed buildings.
- 11.4 The barn presently contributes in a positive manner to the setting of the listed building and also to the character and appearance of the conservation area. The brick barn appears on the historic OS maps of the mid-late 19th century and into the early 20th century. The barn has a good sized tie beam, raking struts, trenched purlins and the rather crude appearance of construction. The historic roof structure remains apparent despite the later installation of a modern timber roof structure. Externally, a cart door opening on the west elevation remains visible along with a similar proportioned opening on the east elevation which has potentially been blocked in at a later date with varying brick work to make a smaller door opening. Two small vent openings are within the apex of the side gables and there is evidence of a former window opening which has been blocked to the left hand side of the doorway opening on the west elevation. The barn was perhaps used as a smaller scale threshing barn. The barn may pre-date the 19th century Montagu Arms and form part of an earlier farm yard group. The Montagu Arms was previously a pub and became a hotel in 1888.
- 11.5 The requirement of Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in relation to the statutory duty is to have special regard to the desirability of preserving the building or its setting and the conservation area. In recent Court of Appeal cases (*Barnwell Manor Wind Energy Ltd*

v E.Northants DC, English Heritage, National Trust & SSCLG) considerable weight has been applied to the preservation of the setting of listed buildings and conservation areas. In summary, where any harm (including 'less than substantial' harm) can be shown to occur to the setting of a listed building or conservation area, the default position should be a refusal. ('Less than substantial harm' is anything that does not involve complete or partial demolition of a Listed Building.) The applicant should demonstrate sufficiently powerful material considerations necessary to justify harm, which can include showing that alternative options have been explored and ruled out.

- 11.6 The National Planning Policy Framework paragraph 134 states that: *Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefit of the proposal, including securing its optimum viable use.* The proposal to convert the barn into two separate guest accommodation suites would see the barn divided in half into two units of accommodation. This would involve the subdivision of the barn in a vertical manner by a wall. The subdivision would be visible from the west elevation through the glazed doorway where the vertical line of the dividing wall would be discernible. Each unit of accommodation would have a bedroom on the ground floor and at first floor a living room, with a bathroom within a lean-to single storey rear extension. This has resulted in two roof lights being proposed on the rear roof slope, one for each unit of accommodation to light the living room.
- 11.7 A sympathetic and appropriate use for this barn would certainly be a positive step forward in ensuring the longevity of the barn. However, any scheme should be mindful of the agricultural character of the barn with its non-domestic appearance. There is concern with regard to the manner in which the barn is being proposed to be converted. It would be feasible to convert the barn to one unit of accommodation without the need for extension, and without the need for the mezzanine floor which subdivides the barn, reducing its openness as a structure. However, the proposal seeks to create two units of accommodation, with a gross internal floorspace of 114 square metres. The existing barn has a floorspace of around 54 square metres.
- 11.8 The barn has a simple, agricultural appearance in line with its former use where light and ventilation had to be carefully controlled. The general principle with barn conversions is that any existing openings should be utilised and any new openings should be minimised in order to preserve the character of the barn and where they are proposed they should clearly reflect the agricultural/industrial character of the building. It is not considered that the roof lights on the rear roof slope and the large glazed door opening on the west elevation will preserve the character

and appearance of the barn. The roof lights would appear overly domestic in character. If rooms were permitted within the roof space then alternative means of lighting these rooms would need to be explored.

- 11.9 It is proposed to remove the double doors and glaze the opening entirely with full height glass, recessed back, which contains two glazed doors which lead to the two units of accommodation. A key aspect of the character of the barn is its relatively solid appearance, which is reinforced by the full height double doors, set within the original opening. There is a concern that although the glazing would retain the scale of the original opening, the glazing would reveal the domestic paraphernalia which would be visible inside and the strong vertical division which would not accurately reflect the uncomplicated agricultural character and will strongly suggest the internal subdivision, thereby contrary to the character of the barn. The manner in which the barn is being subdivided would not be a satisfactory discreet or appropriate way in which to utilise the space within the barn and would indicate an overly intensive and intrusive conversion. The proposed glazing would have a large degree of impact and even if some sort of tint is being proposed, the glass would still be reflective and should be covered by shutters or doors. The glazing as proposed would despoil the 'barn-like' appearance of the building. The overall effect would not accord with the principles for barn conversion which are set out on page 37 of the Design Guide SPD.
- 11.10 A simple lean-to rear extension may be acceptable but only if it were of appropriate small scale, and only if it ensured that there would be less pressure internally on the historic building. The proposal is for a fairly substantial extension in combination with the internal subdivision of the barn and as such the proposed extension offers no benefit for the listed building.
- 11.11 The internal character of the barn, as one which is a large open space, is an important aspect of its character and is an important aspect to be preserved. The proposed subdivision of the space by inserting a dividing line horizontally and vertically would not retain this open barn like character but instead would create a highly domestic interior which would lose the essence of the internal open character of the barn.
- 11.12 Such strong internal division is contrary to the significant internal character of the barn where it is possible to gain appreciation of the full height of the barn. An element of full height would remain within the proposal however this appears as a token gesture and does not allow for the full appreciation of the internal space of the barn. This is particularly the situation when there is a full height dividing wall to mark out the two units of accommodation. As such it is considered that the barn would only lend itself to one unit of accommodation, subject to the details.

- 11.13 For the reasons detailed above, the proposal would result in less than substantial harm as laid out within the NPPF. The proposed conversion is overly intensive and intrusive and would not preserve the significance of the curtilage listed building relating to its character and appearance.
- 11.14 Limited information has been put forward to justify the harm to the building by way of overriding public benefits. General links between the accommodation and bringing money into the area are made, as well as a link between the re-use of the barn enabling overgrown vegetation, structural defects and damp to be addressed. There is no itemised costing of the works which are required to be undertaken to the barn to ensure its maintenance and upkeep. However, there is an assessment of three different options for developing the barn, and the payback period for each of the three. The payback period of the scheme which has been submitted is 4.28 years, compared to a 7.52 year payback for a single suit conversion which would be less intrusive to the listed building. Whilst it is understandable that the applicants would wish to realise their returns quickly, it is not considered to be to the public benefit for this return to happen three years quicker, but also harming the Listed Building in the process. The capital cost is not broken down or itemised, so it is not possible to assess whether the works could be undertaken at a cheaper rate to reduce the payback time, or whether all of the intended works are strictly necessary. No overriding need to extend the accommodation provision at the hotel has been demonstrated or proposed.
- 11.15 Due to the material, harmful impact of the proposed activity on the site, the proposal is not considered to comply with Policy DP17. Whilst a less intensive use of the building could comply with Policy DP17, this proposal is too intensive in its use and impact to meet this criterion. Similarly, as the conversion to form two units would not be feasible without significant extension or detriment to the building, the proposal would not accord with Policy DP19 regarding the re-use of buildings outside of the Defined Villages.
- 11.16 The applicant has provided information to support a Habitats Regulations Assessment. This highlights that visitor/ recreational pressure contributes to likely significant effects which would adversely affect the conservation objectives of the designated sites. Avoidance measures are proposed including relevant contributions to the Authority's mitigation scheme, in-line with the Development Standards SPD. Provided that these were secured, there would be no conflict with Policy CP1. However, at the present time, no mechanism (such as Unilateral Undertaking) is in place to ensure that the contributions are paid. This could be conditioned were the scheme otherwise acceptable.

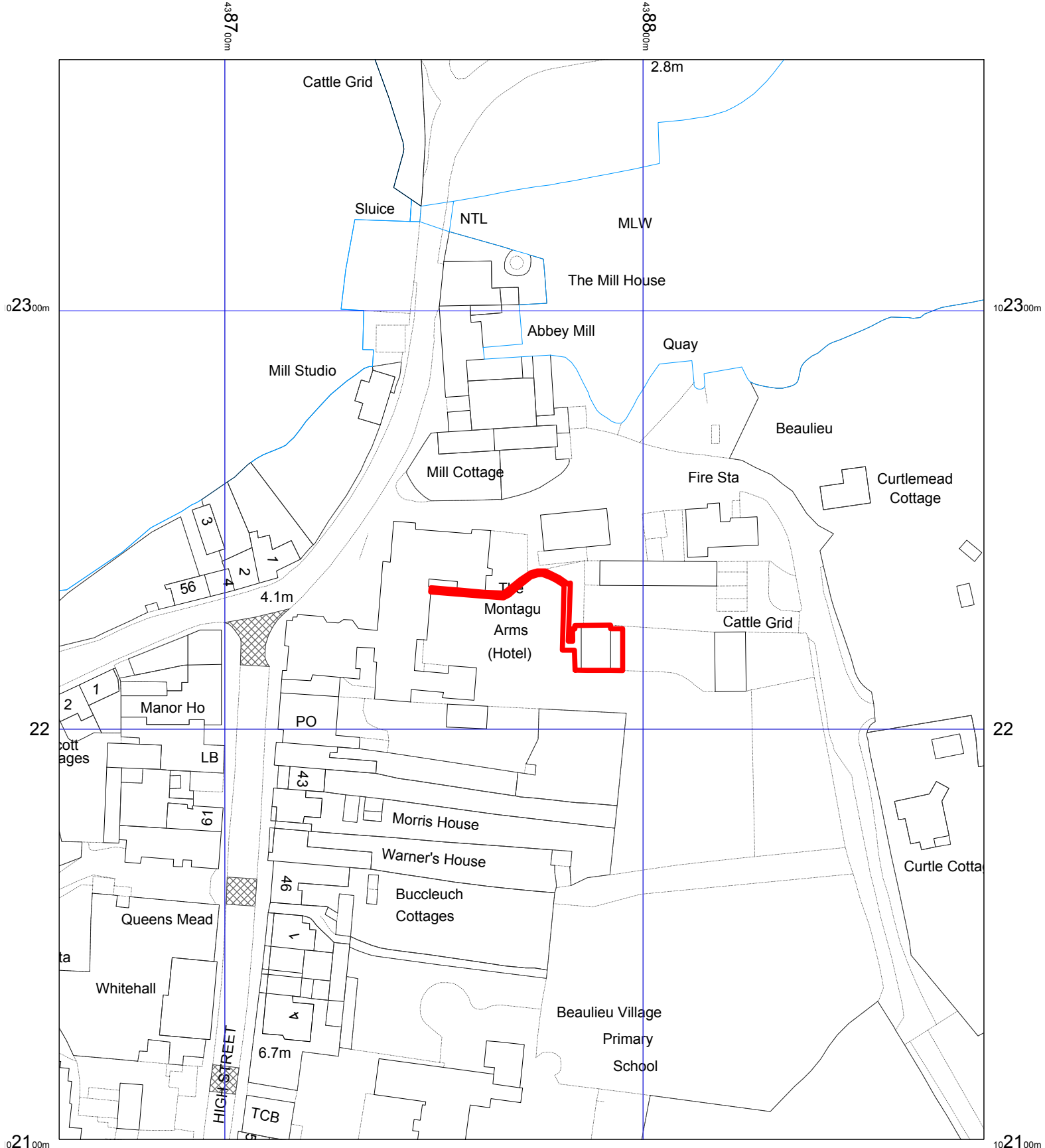
- 11.17 The barn provides a resting place for bats and that a protected species licence would be required. It is proposed that a bat roost is formed in the apex to the barn. This would result in a further degree of intrusive works into the structure and integrity of the Listed Building. In principle the conversion of the barn to provide a suitable ancillary accommodation scheme is acceptable, and it is likely that a less-intensive version of the development would meet with the tests of the Habitats Regulations (no satisfactory alternative; overriding public interest; maintenance of favourable conservation status); particularly as this is a Listed Building requiring upkeep and a viable use. This is not in itself considered to form a reason for refusal of the application, and a suitable mitigation scheme could be conditioned, were consent granted.
- 11.18 Pre-application advice was sought for this proposal, and the applicants were made aware of Officer's concerns about the potential impact of this scheme upon the curtilage listed building. This application follows a previous application for the insertion of a full floor across the barn, but with no extension to the building, which was withdrawn following conservation concerns in 2015.
- 11.19 Overall it is concluded that the public benefits associated with this proposal are limited, and that the harm to the listed building outweighs the public benefits to be derived from the proposal. In essence, there is no point striving to generate money to upkeep the barn if in doing so, the character and significance of that barn is lost by virtue of the proposed works to achieve it. Refusal is therefore recommended.

12. RECOMMENDATION

Refuse

Reason(s)

- 1 The proposal would harm the character and integrity of the curtilage listed barn by virtue of excessive glazing, a sizeable extension as well as a subdividing wall and mezzanine floor which would adversely affect the open, spacious form of the agricultural building, as well as conspicuous domesticating alterations. The public benefits of the proposal would not override the harm to the appearance of the listed building. As such the proposal would be contrary to Policies DP1, DP6, CP7 and CP8 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010) as well as the Design Guide SPD and Section 12 of the National Planning Policy Framework.



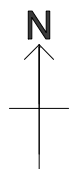
New Forest National Park Authority
 Lymington Town Hall, Avenue Road,
 Lymington, SO41 9ZG

Tel: 01590 646600 Fax: 01590 646666
 Date: 27/09/2016

Ref: 16/00673/FULL

Scale: 1:1250

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Application No: 16/00674/LBC Listed Building Consent

Site: The Montagu Arms Hotel, 1 Palace Lane, Brockenhurst, SO42 7YG

Proposal: Extension and conversion of barn to create two guest accommodation suites (Application for Listed Building Consent)

Applicant: Mr Wolseley, Greenclose Hotels Ltd

Case Officer: Deborah Slade

Parish: BEAULIEU

1. REASON FOR COMMITTEE CONSIDERATION

Referred by Authority Member.

2. DEVELOPMENT PLAN DESIGNATION

Conservation Area
Listed Building

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

CP7 The Built Environment
CP8 Local Distinctiveness
DP1 General Development Principles

4. SUPPLEMENTARY PLANNING GUIDANCE

Not applicable

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 12 - Conserving and enhancing the historic environment
Sec 7 - Requiring good design

6. MEMBER COMMENTS

Richard Frampton – requests committee consideration to balance policy considerations with the need to secure upkeep of traditional building which may otherwise deteriorate

7. PARISH COUNCIL COMMENTS

Beaulieu Parish Council: supports the application as it will secure the future

of this dilapidated barn which is of historic significance and importance. Further the proposed use will generate income for the local economy. Hope earlier assurances of providing more car parking within the hotel grounds will be kept. However the Parish Council will accept the decision reached by the NPA's officers.

8. CONSULTees

8.1 Building Design & Conservation Area Officer: Objection on grounds of harm to Listed Building.

9. REPRESENTATIONS

9.1 No representations received.

10. RELEVANT HISTORY

10.1 Conversion of barn to create two guest accommodation suites (15/01009) withdrawn on 4 February 2016

10.2 Conversion of barn to create two guest accommodation suites (Application for Listed Building Consent) (15/01010) withdrawn on 4 February 2016

11. ASSESSMENT

11.1 This report should be read in conjunction with the report on the synchronous Full Application, 16/00673. As is set out fully in that report, this application pertains to a curtilage listed barn, and as such the main issue to consider for this application is whether the proposals would be acceptable in terms of their impact upon the Listed Building.

11.2 The Conservation Officer objects to the proposals, due to their high degree of impact and the resultant loss of character which would ensue. Alterations to the building's fabric would occur which would not be simply reversible.

11.3 The barn presently contributes in a positive manner to the setting of the listed building and also to the character and appearance of the conservation area. The brick barn appears on the historic OS maps of the mid-late 19th century and into the early 20th century. The barn has a good sized tie beam, raking struts, trenched purlins and the rather crude appearance of construction. The historic roof structure remains apparent despite the later installation of a modern timber roof structure. Externally, a cart door opening on the west elevation remains visible along with a similar proportioned opening on the east elevation which has potentially been blocked in at a later date with varying brick work to make a smaller door opening. Two small vent openings are within the apex of the side gables and there is evidence of a

former window opening which has been blocked to the left hand side of the doorway opening on the west elevation. The barn was perhaps used as a smaller scale threshing barn. The barn may pre-date the 19th century Montagu Arms and form part of an earlier farm yard group. The Montagu Arms was previously a pub and became a hotel in 1888.

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gross internal floorspace of 114 square metres. The existing barn has a floorspace of around 54 square metres.

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domestic interior which will lose the essence of the internal open character of the barn.

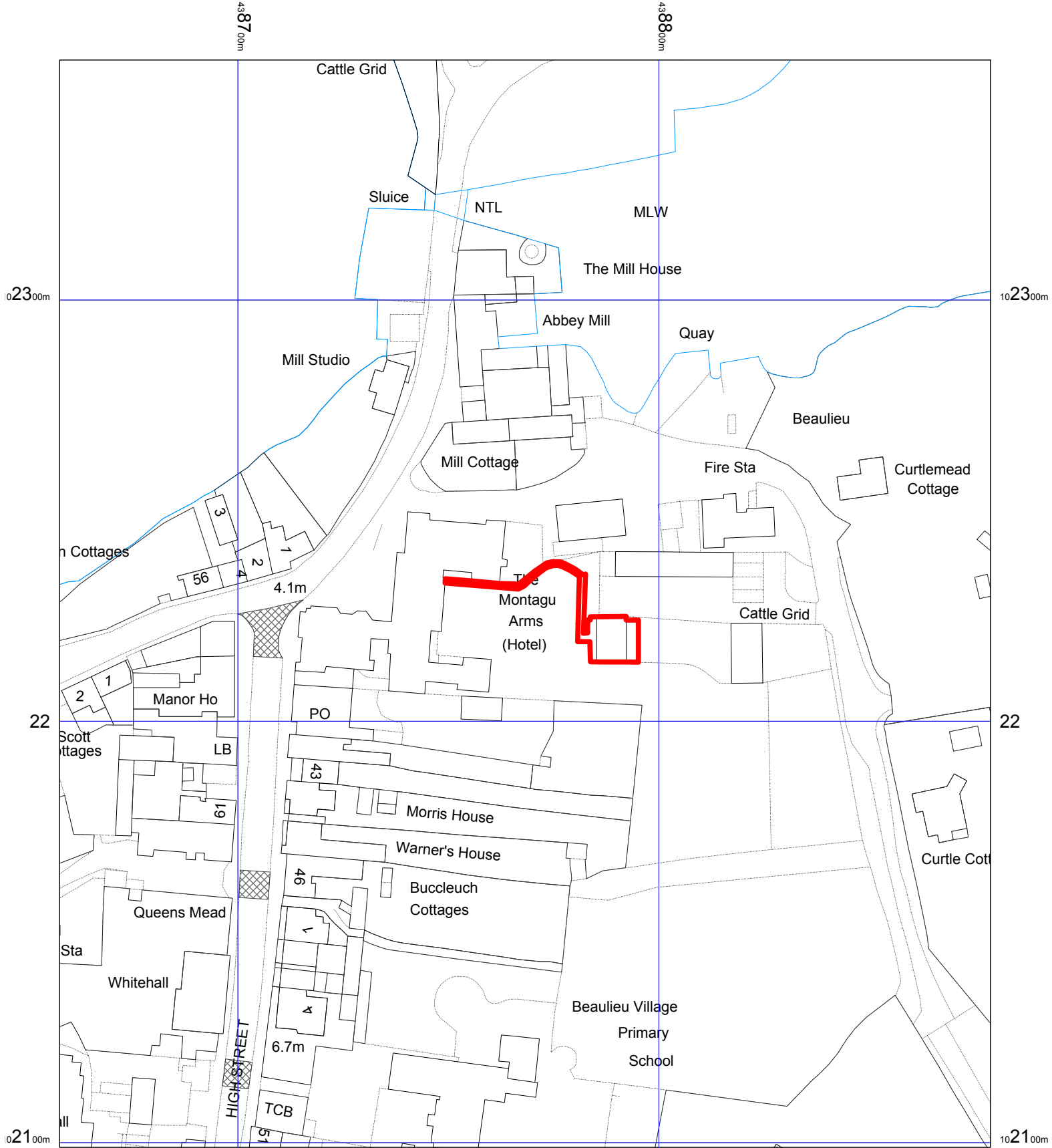
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- 11.12 For the reasons detailed above, the proposal would result in less than substantial harm as laid out within the NPPF. The proposed conversion is overly intensive and intrusive and does not preserve the significance of the curtilage listed building relating to its character and appearance. Refusal is therefore recommended.

12. RECOMMENDATION

Refuse

Reason(s)

- 1 The proposal would harm the character and integrity of the curtilage listed barn by virtue of excessive glazing, a sizeable extension as well as a subdividing wall and mezzanine floor which would adversely affect the open, spacious form of the agricultural building, as well as conspicuous domesticating alterations. The public benefits of the proposal would not override the harm to the appearance of the listed building. As such the proposal would be contrary to Policies DP1, DP6, CP7 and CP8 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010) as well as the Design Guide SPD and Section 12 of the National Planning Policy Framework.



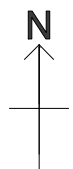
New Forest National Park Authority
 Lymington Town Hall, Avenue Road,
 Lymington, SO41 9ZG

Tel: 01590 646600 Fax: 01590 646666
 Date: 27/09/2016

Ref: 16/00674/LBC

Scale: 1:1250

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Application No: 16/00686/FULL Full Application

Site: "Little Timbers" Land Off New Lane, Bashley, New Milton, BH25 5TE

Proposal: Use of building for residential purposes

Applicant: Mr J Watt

Case Officer: Clare Ings

Parish: NEW MILTON

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. DEVELOPMENT PLAN DESIGNATION

No specific designation

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

CP7 The Built Environment
CP12 New Residential Development
DP1 General Development Principles
DP13 Agricultural, Forestry & Other Occupational Dwellings

4. SUPPLEMENTARY PLANNING GUIDANCE

Not applicable

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 3 - Supporting a prosperous rural economy
Sec 6 - Delivering a wide choice of high quality homes
Sec 11 - Conserving and enhancing the natural environment

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

New Milton Town Council: Support. There is clear photographic and on-site structural evidence of a previous residential dwelling on the site that was destroyed by fire. The application is therefore compliant with policy DP10

for replacement dwellings and hence CP12. Restoring residential use to the building will allow the currently derelict site to be restored to a working small-holding.

8. CONSULTEES

8.1 Highway Authority (HCC): No objection.

9. REPRESENTATIONS

9.1 New Forest Association objects on the following grounds:

- straightforward breach of policy and no exceptional circumstances have been presented

10. RELEVANT HISTORY

10.1 Change of use of existing timber building for residential purposes (15/00708) - refused on 1 December 2015

10.2 Application for a Certificate of Lawful Development for existing use of the land and associated timber building for leisure and recreational purposes (14/00784) - Certificate issued on 17 December 2014

10.3 Dwelling; outbuilding (10/94968) - refused on 19 April 2010; subsequent appeal dismissed on 9 February 2011.

10.4 Outline application for an agricultural dwelling (layout, scale and access to be considered) (08/92770) - refused on 21 May 2008

10.5 House (outline application with details only of siting and means of access) (05/86594) - refused on 24 January 2006; subsequent appeal dismissed on 22 August 2006

11. ASSESSMENT

11.1 The application site, which is known as Little Timbers, is located along New Road, and comprises a parcel of land with a timber building within it. It is screened from New Road behind a 2m high close-boarded fence with double gates. The plot of land is separated from the adjoining fields with post and wire fencing, but along the rear boundary is a row of Leylandii/Eucalyptus trees. Within the site, along the New Road boundary is a collection of timber sheds in a poor state of repair. Adjoining the site is Warren Edge a detached dwelling and its curtilage in separate ownership. Both this site and the application site are surrounded by agricultural land which is in the ownership of the applicant. The building contains a kitchen, bathroom and living room area, and other rooms used for storage. A Certificate of Lawfulness was issued in December 2014 which accepted the use of the timber building for leisure and recreation, akin to a beach hut.

11.2 The proposal is to use the building for residential purposes, i.e. it would become a permanent dwelling. The supporting statement refers to this residential use supporting a smallholding activity, which would also permit the other existing timber sheds on the site to be put into beneficial use.

11.3 The history of the site indicates that the erection of a dwelling has been sought on this site for a number of years because, until 1990, there had been a dwelling on the site which was destroyed by fire. However, in dismissing the more recent of the various appeals (APP/B9506/A/10/2138756 in February 2011) which have sought to regain a residential use that Inspector stated: *"There appears to be no physical remains to indicate that a dwelling has been on this site. With the exception of the wooden storage building (the building the subject of this current proposal) this generally level appeal site is covered by established vegetation. The very limited area of hardstanding shown to me does not fully accord with plans showing where the building apparently stood. Last human habitation here was over 20 years ago. There has been no sustained indication of intention to rebuild a long removed dwelling; attempts at seeking consent for a dwelling here have been intermittent in 1991, 2005 and 2008. The latter was specifically for an agricultural dwelling. In my opinion the former dwelling has been abandoned."*

This gave a very clear view of the status of the land at the time; that there is no permanent residential use and, notwithstanding the limited leisure activity that now takes place (demonstrated through the Certificate of Lawfulness), the situation at the site has not changed.

11.4 The site lies well outside the defined villages and so any new residential development in locations such as this is restricted to agricultural or forestry workers, or affordable housing for local needs.

11.5 The most recent application, which was also refused, was in 2015 and was also to establish a residential use. The difference with this current application is that reference has been made to re-introducing a smallholding on the wider site which the use of the building for residential purposes would support. However, very little information as to the precise nature of the smallholding or how it would be sufficiently viable or necessary (functionally) to support a residential use has been submitted, other than commentary in the supporting statement that the residential use would provide the incentive to *"put the farm buildings on the holding back into good and substantial use, to re-stock the holding and to once again exercise good husbandry in relation to the holding"*. There is also the suggestion that the site could be used by a commoner, but again there is a lack of detail on how this

would be undertaken.

11.6 The use of the building for residential purposes would therefore result in the creation of a new dwelling outside the defined villages of the New Forest. It is not considered that sufficient evidence (either functional or financial) has been submitted to justify the residential use even as an agricultural worker's dwelling, and without that, the application would be contrary to policy CP12. The addition of a new dwelling would increase the pressure of activity on the New Forest National Park and, without any clear demonstration of need, could set a precedent for other unnecessary residential development.

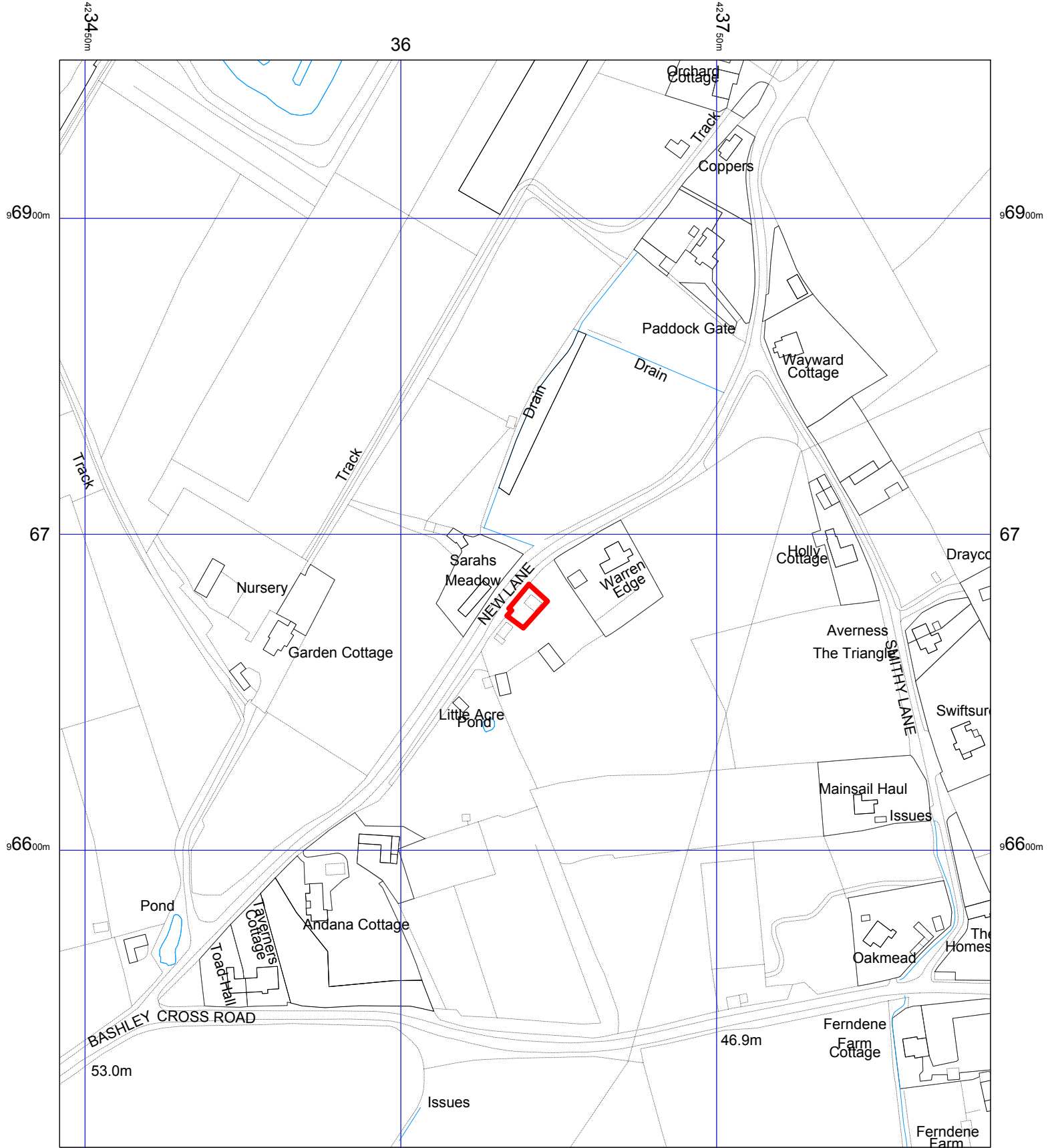
11.7 It is therefore recommended that the application be refused.

12. RECOMMENDATION

Refuse

Reason(s)

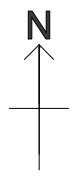
1 The re-use of the existing structure for permanent residential purposes would introduce a new residential unit into an area of countryside, outside the defined villages, which would cause visual harm the rural character of the area and would be contrary to policies D1, CP7 and CP12 of the New Forest National Park Core Strategy and Development Management Policies DPD (December 2010). No evidence to justify an agricultural need or any other exceptional circumstances has been submitted to demonstrate a need for the building in accordance with other policies of the Core Strategy, including policy DP13.



New Forest National Park Authority
 Lymington Town Hall, Avenue Road,
 Lymington, SO41 9ZG
 Tel: 01590 646600 Fax: 01590 646666
 Date: 28/09/2016

Ref: 16/00686/FULL
Scale: 1:2500

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Application No: 16/00700/FULL Full Application

Site: Creek Cottage, Lower Woodside, Lymington, SO41 8AJ

Proposal: Garage; greenhouse; office; shed

Applicant: Mr Stevenson

Case Officer: Clare Ings

Parish: LYMINGTON AND PENNINGTON

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. DEVELOPMENT PLAN DESIGNATION

No specific designation

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

CP2 The Natural Environment
CP7 The Built Environment
CP8 Local Distinctiveness
DP1 General Development Principles
DP12 Outbuildings

4. SUPPLEMENTARY PLANNING GUIDANCE

Design Guide SPD

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 11 - Conserving and enhancing the natural environment

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Lymington & Pennington Town Council: Recommend refusal of original plans (specifically to garage). No comments received on amended plans.

8. CONSULTEES

- 8.1 Building Design & Conservation Area Officer: Object to original plans relating to the garage. No comments received on amended plans.

9. REPRESENTATIONS

- 9.1 One letter of objection received on the following grounds:
- addition of large imposing structure adjoining ancient footpath will change the nature of this environment
 - already changes being made to the cottage and landscape
 - there are already existing Salt Barns which could provide necessary accommodation
 - concern over future use of Salt Barns

10. RELEVANT HISTORY

- 10.1 Rear extensions (Demolition of existing); Oriel windows; external alterations (16/00282) approved on 9 June 2016
- 10.2 Re-alignment of footpath/track; access alterations; installation of estate fencing; re-reinforcement to bank (15/00632) approved on 17 November 2015
- 10.3 Footpath diversion order (No 75 (part) and No 77 (part)) - currently out for consultation

11. ASSESSMENT

- 11.1 Creek Cottage is a fairly isolated two storey linear dwelling of some character which lies at the head of Moses Creek and close to two Grade II listed salt barns (dating from the 18th century) which lie to the south of the dwelling. The cottage is not listed, but is considered to be of local historic and architectural interest due to its date (it appears on historic 19th century OS maps in its current form) and the manner of construction which includes traditional materials such as clay roof tiles, red bricks and sash windows. Public footpath (No 75) runs to the front of the cottage between it and the head of the creek, joining Lower Woodside. A separate (private) access to the dwelling lies immediately north of the footpath which recently has undergone some significant clearance, opening up views of the cottage. A native hedgerow lies along the southern side of the footpath. Creek Cottage has no near neighbours, and overlooks the salt marshes which extend to the Solent. The landscape is open at this point, which is a key aspect of the character of the creek. The site lies within Flood Zones 2 and 3.
- 11.2 The proposal is for four outbuildings within the residential curtilage of the cottage. Two of the outbuildings - glasshouse and garden

shed - would make use of an existing garden wall as their north elevation with part of the roofs protruding above it. The shed would be constructed of brick as would the plinth of the glasshouse, and both would appear as traditional structures and would have footprints of 21.5m² and 27m² respectively. The office building (with a footprint of 25m²), would have a mono-pitch roof, and would be timber clad, and would appear contemporary in appearance. The garage, which has also been the subject of amended plans, would lie adjacent to the footpath. It would be constructed of brick with a clay tile roof and would have a footprint of 65m². The garage would have a height to ridge of 5.4m (marginally reduced) and to eaves of 2.8m, and would incorporate an archway through to an area of hardstanding.

- 11.3 The key issues are whether the outbuildings would be appropriate in design, scale and use to the dwelling and its curtilage and would comply with policy, and also whether they would adversely harm the visual appearance of the landscape in which they lie.
- 11.4 The shed, glasshouse and office are all proposed to be modest structures in both scale and height - none would exceed 4m. Their functions would be entirely appropriate to the dwelling and would comply with policy DP12 in that they would all be within the curtilage of the dwelling, be for purposes incidental to the dwelling and not contain any habitable accommodation. Although they would represent three separate buildings, and therefore could be seen to create a proliferation of new built structures, the curtilage of Creek Cottage is of a size which is capable of absorbing the buildings without having a detrimental impact on the modest proportions of the dwelling and each of the buildings would appear subservient to the host property. Due to their modest scale, they would have very little impact outside the site and are therefore considered to be acceptable.
- 11.5 The garage building, however, would have a greater visual impact given that it would be located adjacent to the public footpath to the south of the site. However, it too would comply with policy DP12 in that it would be located within the curtilage of the dwelling, be for purposes incidental to the dwelling and would not contain any habitable accommodation. Its scale has been reduced following pre-application discussions (to remove the office element which has now been relocated as a separate building), and has been marginally further reduced in height with the introduction of a sprocket roof (which would match that of Creek Cottage). It would have height of 5.4m to ridge, but 2.8m to eaves where it abuts the public footpath for a length of approximately 6m. The garage would be set back from the footpath marginally, but at a sufficient distance for a hedgerow to be planted which, for users of the footpath would help screen the garage and soften the southern boundary. Whilst the garage would represent another outbuilding within the site, again it is considered that the wider site

would be able to absorb this development without it appearing over-developed, there is sufficient other vegetation, trees and open space to maintain a fairly rural feel to the area. The use of brick and plain clay tile would also be appropriate to the cottage and wider area.

11.6 Concern has been raised that no use for the existing listed Salt Barns has been proposed. This has been raised with the applicant, but it should be noted that they do not fall within the curtilage of the dwelling, and therefore any domestic use could be considered to fall outside policy. In addition, they do not fall within the current application which has to be determined on its own merits.

11.7 It is therefore recommended that the four outbuildings be permitted, subject to conditions relating to use (preventing any habitable accommodation) and that a robust planting scheme is also submitted and approved.

12. RECOMMENDATION

Grant Subject to Conditions

Condition(s)

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

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

2 No development shall take place until samples or exact details of the facing and roofing materials have been submitted to and approved in writing by the New Forest National Park Authority.

Development shall only be carried out in accordance with the details approved.

Reason: To ensure an acceptable appearance of the building in accordance with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

3 The outbuildings the subject of this permission shall only be used for purposes incidental to the dwelling on the site and shall not be used for habitable accommodation such as kitchens, living rooms and bedrooms.

Reason: To protect the character and appearance of the

countryside in accordance with Policies DP11 and DP12 of the adopted New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

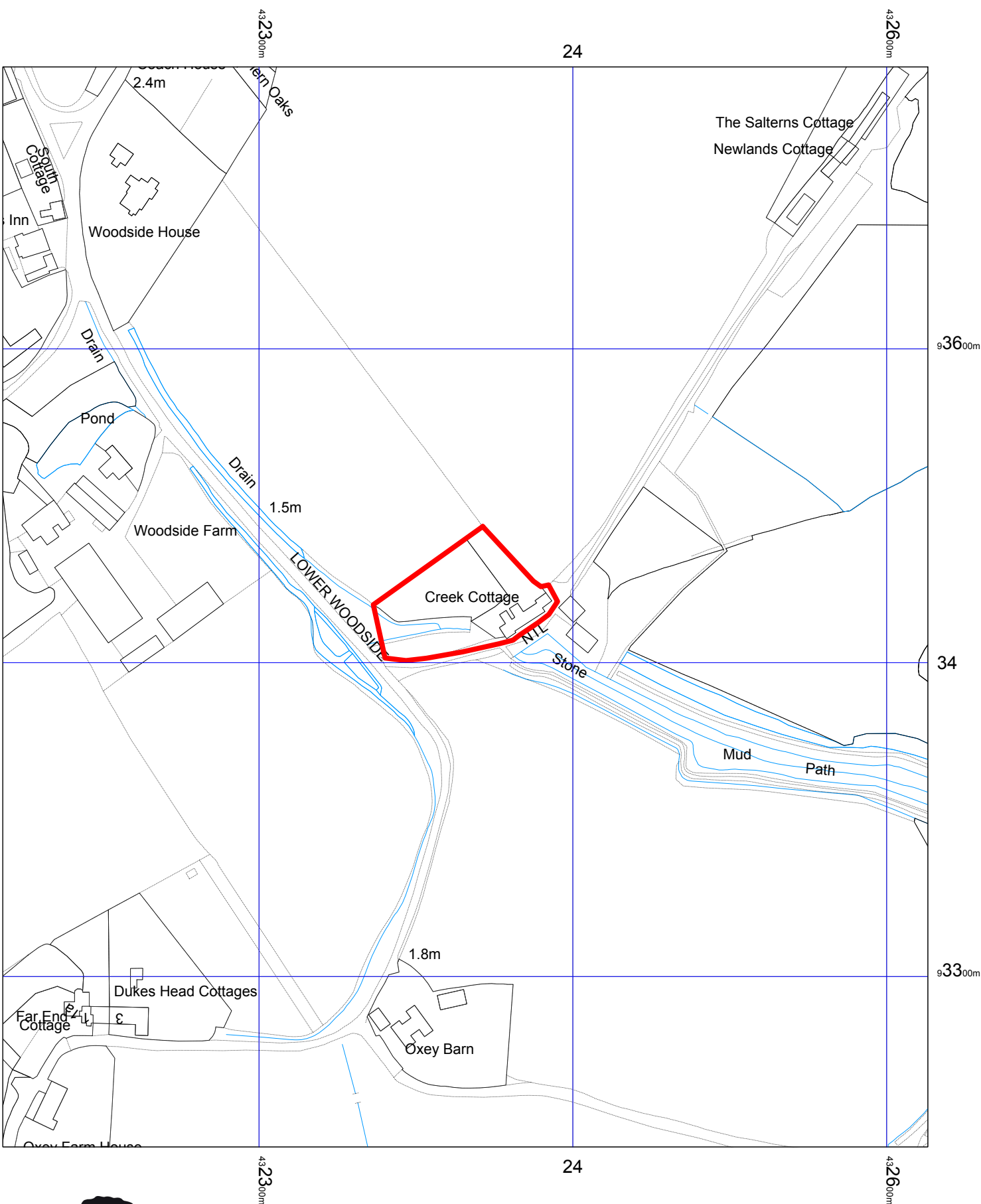
- 4 Development shall only be carried out in accordance with Drwg Nos 1108-P001 (V2), 1108-P002, 1108-P003, 1108-P004 and 1108-P005. No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority.

Reason: To ensure an acceptable appearance of the building in accordance with policies CP7, CP8, DP6 and DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) December 2010.

- 5 Prior to the commencement of development full details of the treatment of the southern boundary of the site shall be submitted to and approved in writing by the National Park Authority.

No development shall take place unless these details have been approved and then only in accordance with those details.

Reason: To ensure that the development takes place in an appropriate way in accordance with Policies CP8 and DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).



NEW FOREST
NATIONAL PARK

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