

**Application No: 17/00277/FULL Full Application**

**Site:** Saughtrees, Hatchet Green, Hale, Fordingbridge, SP6 2NB

**Proposal:** Tennis court; 3m high chain link fence; retaining wall; associated landscaping

**Applicant:** Mr McGibbon

**Case Officer:** Liz Young

**Parish:** HALE

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**1. REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council view

**2. DEVELOPMENT PLAN DESIGNATION**

Conservation Area

**3. PRINCIPAL DEVELOPMENT PLAN POLICIES**

CP2 The Natural Environment  
DP1 General Development Principles  
CP8 Local Distinctiveness

**4. SUPPLEMENTARY PLANNING GUIDANCE**

Design Guide SPD

**5. NATIONAL PLANNING POLICY FRAMEWORK**

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

**6. MEMBER COMMENTS**

None received

**7. PARISH COUNCIL COMMENTS**

Hale Parish Council: Recommend permission:

- The applicant would ensure construction would not lead to any harm to the access track.
- The tennis court and proposed garage would be constructed at the same time.
- Proposed landscaping would improve the character of the area.

- No impact upon neighbours.
- No amenity trees would be felled.
- It is impossible to define the extent of curtilage.

## 8. CONSULTTEES

8.1 Tree Officer: No objection subject to conditions.

8.2 Ecologist: Objection raised:

- Submitted ecological survey inadequate due to the time of year it was undertaken, the lack of appropriate assessment for dormice and reptiles and the fact that the report acknowledges loss of habitat with high suitability for reptiles.
- Proposal would lead to the likely fragmentation of habitats and loss of some features capable of supporting nature conservation interests.

8.3 Landscape Officer: Objection raised:

- Proposal would lie on the periphery of the domestic curtilage and would encroach onto ancient woodland.
- The site is subject to the highest level of landscape protection (Site of Importance for Nature Conservation and Conservation Area within the context of the National Park).
- The large retaining wall, fencing and hardsurfacing would be an intrusive feature.
- The necessary loss of trees would also lead to a harmful impact.

## 9. REPRESENTATIONS

9.1 Four letters of objection received from neighbouring residents raise the following concerns:

- Construction traffic associated with the proposed development would be detrimental to the access track.
- Tradesmen to the site often leave the gate open leading to a risk of livestock entering the woodland.
- Development would be harmful to the rural character of the area.
- Harmful impact upon bridleway.

9.2 One letter of support accompanying an amended landscape plan from the applicant:

- There are limited public viewpoints.
- The proposal would not be located outside the residential curtilage
- The Ecological Consultant is currently discussing the ecology survey with the Authority Ecologist.

- The proposed tennis court would not impact upon protected species.
- Conservation Area designation should not impose constraint on development within the residential curtilage.
- Proposals to restore other areas of land within the applicant's control have not been considered (creating new habitats, improved drainage and new planting).

## **10. RELEVANT HISTORY**

- 10.1 New double garage; re-alignment of driveway (17/00278) pending decision
- 10.2 Retention of outbuilding (15/00935) approved on 8 February 2016
- 10.3 Conservatory; Timber Cladding at first floor level (remove existing cladding) (11/96742) approved on 12 October 2011
- 10.4 Replacement dwelling; Outbuilding (Amended plans) (10/95526) approved on 24 September 2010
- 10.5 Existing track surfaced with gravel (10/95023) approved on 30 April 2010
- 10.6 Demolition of dwelling, barn and outbuildings (Application for Conservation Area Consent) (10/94988) approved on 26 April 2010

## **11. ASSESSMENT**

- 11.1 Saughtrees is a substantial two storey dwelling located within remote and wooded surroundings south west of Hatchett Green. The site lies within the northern reaches of the Western Escarpment Conservation Area (Character Area B, Hale Park). The application site does not directly adjoin any residential properties and occupies a fairly low lying position surrounded by woodland. The site is accessed by two steeply sloping gravel tracks to the north and the land continues to slope southwards away from the rear of the dwelling. The site (including the house and curtilage) lies within a Site of Importance for nature Conservation (SINC) incorporating 1A (Ancient semi-natural woodlands), 1B (other woodland) and 6A (Sites which support more than one notable species) and also within the Western Escarpment Conservation Area and just over 100 metres from the New Forest SSSI.
- 11.2 Consent is sought to construct a tennis court on an area of land located to the west of the dwelling and directly adjacent to an existing outbuilding. Because the tennis court would be positioned on land which falls away to the east an element of cut and fill is proposed, resulting in the construction of a 2.6 metre high

retaining wall on the northern end and a new bank to the south. The tennis court would be enclosed on the east, south and west boundaries by a 3 metre high chain link fence. A new pathway is proposed linking the adjacent outbuilding to the proposal and three trees are proposed to be removed. Part of the proposal would extend across the existing gravel vehicular access to the house and the remaining section would be returned to grass. A concurrent application has also been submitted forming a new access track to the rear (north) of the main house and this submission also includes a proposal for a detached garage (reference 17/ 00278).

11.3 There are no neighbouring residential properties which would be directly affected by the proposed development and the main issues under consideration would be:

- The impact the proposed development would have upon the character and appearance of the Conservation Area and forest landscape (having regard to impacts upon both the intrinsic character of the site and views from public rights of way).
- The extent to which the proposal could be considered to relate to the established residential curtilage of the property whilst avoiding harmful encroachment into ancient woodland.
- The impact the development would have upon the ecological integrity of the Site of Importance for Nature Conservation.

11.4 The character of the existing site is essentially rural and the main garden incorporates an informal and wooded edge with no formal enclosure or hard landscaping. The mixed woodland and understorey planting are therefore a key element to the intrinsic character of the site. As set out within the Conservation Area Character Appraisal trees play an important part in wooded copses of the Hale Park Character area and traditional rural boundaries are also noted as an important feature within the document. The Landscape Character Assessment document (2013) refers to the ancient woodlands of the Northern Heath and Forest Landscape Character Area as a key positive attribute and sets out objectives to protect and manage the ancient woodland and manage and enhance the Inclosures' ground flora and habitats.

11.5 Having regard to the special qualities of the site (and its historic importance in the context of Hale Park) as set out above it is considered that the siting, scale and uncompromising form of the proposed works would have an unacceptably harmful and irreversible impact upon the intrinsic landscape character of the site and (particularly during winter months) views from the public right of way 30 metres to the north. Whilst the removal of the gravel track could be argued as bringing about some degree of benefit when considered in isolation, this would not mitigate the impact of the proposed tennis court with the extensive artificial surface, 3 metre chain link enclosure, artificial bank and 2.6 metre

high retaining wall (particularly in light of its distance from the main house and domestic buildings).

- 11.6 Whilst there is no formal enclosure or boundary treatment around the garden perimeter, the general extent of the curtilage was defined by the red line plan which accompanied the approved planning consent for the replacement dwelling (reference 10/95526) and this lack of enclosure highlights the rural character of the site. None of the subsequent applications have deviated significantly from this delineation and it is also evident from aerial photographs dated 2005 that the domestic curtilage area has gradually increased over the last 10 years (with much of the proposed development area falling outside the managed garden area and lawn). Based upon this and the necessary removal of trees it is considered that the northern section of the tennis court encroaches beyond the established residential curtilage and would not be contained within the established lawn, hard surfacing and area of domestic built development.
- 11.7 Policy CP8 (Local Distinctiveness) states that the potential cumulative impact of individual proposals over time also needs to be considered when assessing development proposals and this is of particular relevance with regards to the encroachment of domestic uses onto open countryside (in terms of plot characteristics and precedent). There is considerable pressure across the New Forest for this form of development and the proposal would (in light of the concerns over the impact upon the character of the site also) be contrary to the requirements of Policies DP1 and CP8 of the New Forest National Park Core Strategy.
- 11.8 As noted by the Authority's Ecologist the ecology survey accompanying the application notes that it was carried out at a time when flora could not be adequately assessed, and furthermore the assessment for dormice appears based on a method that is not fully appropriate to ascertain presence/absence. The Authority's Ecologist considers that no good practice presence/absence survey for reptiles has been undertaken. Therefore there is insufficient information to demonstrate that impacts associated with the development would be outweighed by measures to avoid, mitigate and compensate for effects. There is also concern that the ecology report acknowledges that the access could cause loss of habitat with high suitability for reptiles, however no appropriate survey has been undertaken to quantify impacts and no information is provided to demonstrate that the interests of these species will be safeguarded. The development is likely to give rise to the fragmentation of habitats and loss of some features capable of supporting nature conservation interests. The development would therefore be contrary to the requirements of policy CP2 of the New Forest National Park Core Strategy and the requirements of the National Planning Policy Framework (Paragraphs 109, 115,

118).

- 11.9 The agent has submitted additional information to the Authority (dated 6 July) incorporating a letter and a revised landscape plan. The revised landscape plan incorporates more specific planting proposals on the wooded area immediately north of the tennis court. The ongoing woodland management and improvement has been noted. However this could take place independently of the development proposal and would not directly mitigate the harmful impacts of the development as set out above (particularly in terms of intrinsic landscape character). Impact upon public views is only part of the overall consideration and it is still felt that the impact would be significantly greater during winter.
- 11.10 With regards to the concerns raised by neighbouring residents in respect of construction vehicles this is not (in the context of the development of an individual site) considered to be a planning issue. Notwithstanding this, however the proposal would fail to relate to the main house, its outbuildings and curtilage, and would amount to an unjustified encroachment onto ancient woodland to the detriment of the character and appearance of the Conservation Area and the ecology of the New Forest National Park. It is therefore recommended that the application should be refused.

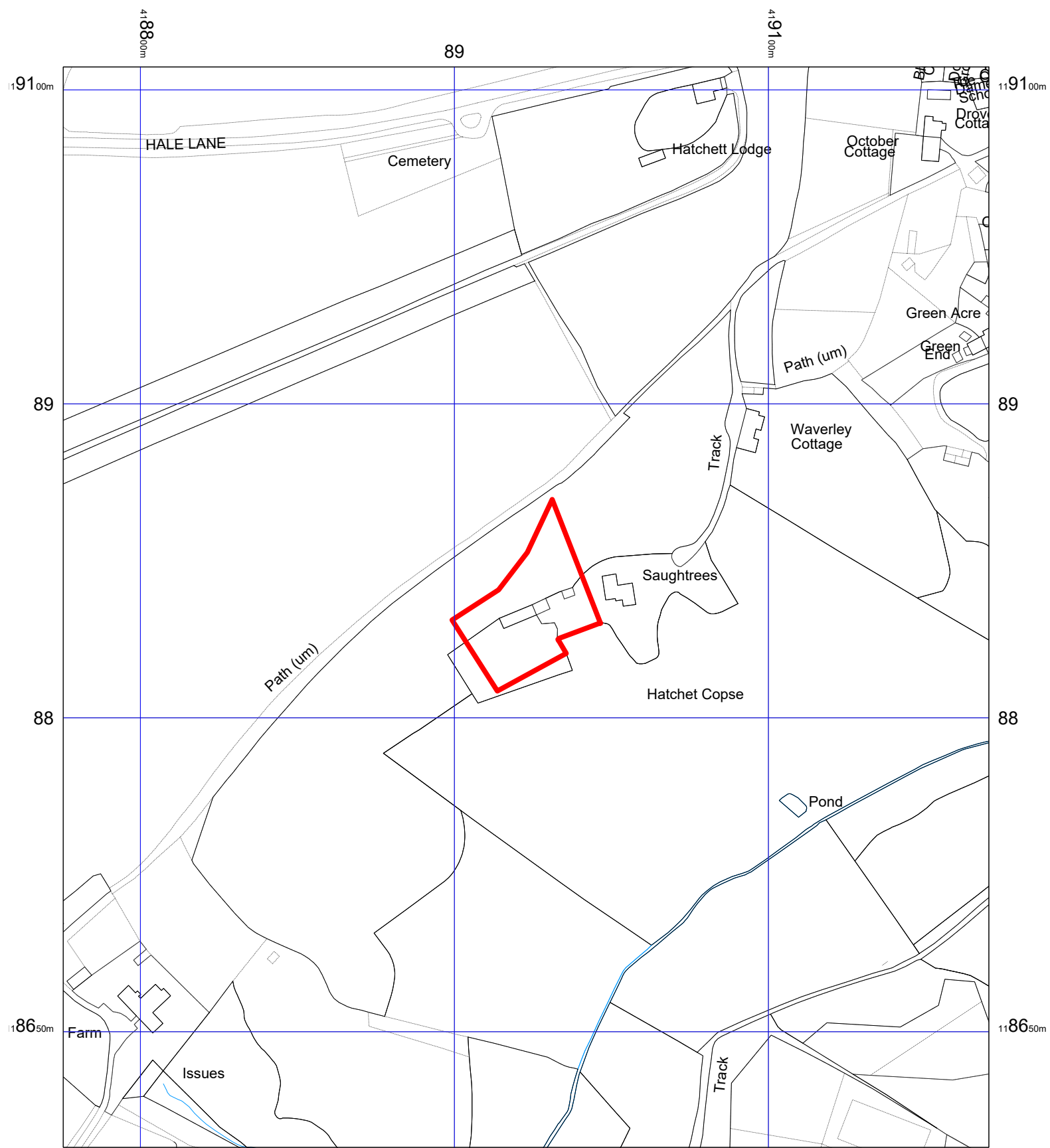
## **12. RECOMMENDATION**

Refuse

### **Reason(s)**

- 1 The proposed development would, by virtue of its siting, scale, uncompromising form, distance from the main house and outbuildings along with its encroachment beyond the established residential curtilage, have an unacceptably harmful and irreversible impact upon the intrinsic landscape character of the Western Escarpment Conservation Area and views from the adjacent right of way. The proposed development would therefore be contrary to the requirements of Policies DP1 and CP8 of the New Forest National Park Core Strategy.
- 2 There is insufficient information to demonstrate that impacts associated with the development would be outweighed by measures to avoid, mitigate and compensate for effects. Furthermore it is acknowledged that the access could cause loss of habitat with high suitability for reptiles, however no appropriate survey has been undertaken to quantify impacts and no information is provided with regards to mitigation of impacts. The development is likely to give rise to the fragmentation of habitats and loss of some features capable of supporting nature conservation interests. The development would therefore be

contrary to the requirements of policy CP2 of the New Forest National Park Core Strategy and the requirements of the National Planning Policy Framework (Paragraphs 109, 115, 118).



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