

**Application No: 17/00223/VAR Variation / Removal of Condition**

**Site:** Talbot Cottage, Seamans Lane, Minstead, Lyndhurst, SO43 7FU

**Proposal:** Application to vary Condition 3 of planning permission 15/00528 to allow the retention of 1No. velux window to garage and minor material amendment

**Applicant:** Mr K Ashley

**Case Officer:** Ann Braid

**Parish:** MINSTEAD

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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**

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

**6. MEMBER COMMENTS**

None received

**7. PARISH COUNCIL COMMENTS**

Minstead Parish Council: Recommend refusal. Minstead Parish Council considers that to permit the roller shutter enclosure of this open "car port" contravenes NFNPA Core Strategy and DPD Policies, contradicts conditions 3 and 4 of NFNPA Planning Development Control Committee

imposed conditions (15/00528) and sets a disturbing precedent for several other similar open oak framed "Car Ports" in the New Forest

## **8. CONSULTTEES**

8.1 Building Design & Conservation Area Officer: No objection

## **9. REPRESENTATIONS**

9.1 None received

## **10. RELEVANT HISTORY**

10.1 Extension to existing stables to create car port and log store (15/00528) granted on 18 August 2015

10.2 Replacement dwelling (73115) granted on 29 May 2002

## **11. ASSESSMENT**

11.1 Talbot Cottage is a replacement dwelling, given consent in 2002, built in traditional materials. The consent for the replacement dwelling also included a range of outbuildings comprising a double garage, two stables and a workshop/store. These buildings are linked by the roof between the garage and store, and the dwelling is accessed through the arch formed by this link. The outbuildings are constructed in a mix of materials, the garage in brick and slate, the outbuildings in timber cladding and tiles. The plot is substantial and mainly laid to grass, with a gravel drive and parking area in front of the outbuildings.

11.2 Consent was granted at Planning Committee in 2015 for a car port to be added to the north end of the stable. It was intended that the structure should be open to the north-west, but as the open elevation faces away from the main house, a roller shutter has been installed to provide extra security. At the same time a roof light has been installed in the rear (south east) elevation.

11.3 Consent was granted for the building 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. The external facing materials to be used in the development 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).

3. Development shall only be carried in accordance with plans numbered 1, 2, 3, 4, 5, 6, 7, 8, and 9. No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority.

Reason: To ensure the 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.

4. The building 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).

This application seeks variation of condition 3, by the substitution of a plan showing the roller shutter and roof light in situ. This would grant retrospective consent for the roller shutter and roof light as an amendment to the approved scheme. As it is an application for the variation of that condition only, all other conditions would remain in place.

11.4 The roller shutter has been designed to run inside the existing timber frame of the carport, and coloured to match the timber cladding of the building. This elevation of the building is not visible from the main access to the property, but the roller shutter and the frame are visible from a field gate to the north and may be glimpsed when approaching the site from the hill to the north. As its finish is black, it is difficult to determine from these distant views whether the roller shutter is up or down, and the visual impact in the wider landscape of the roller shutter alone is considered to be negligible. The applicant has also confirmed that the timber frame will be left to weather naturally to a silver finish, and this would allow the frame to recede against the black of the timber cladding or the finish of the roller shutter.

11.5 The roof light would be on the elevation facing towards the paddock. It is required to provide natural light into the building. The insertion of the roof light after the building was complete would be permitted development, as no conditions restricting permitted development have been applied. However, as the condition tying the development to the approved plans has been

imposed, consent is required for the roof light and may be granted as a variation of the condition. It is considered that there are no grounds to object to the insertion of a roof light in this elevation.

11.6 The Parish Council has recommended refusal of the proposed variation. Objection is raised on the grounds that the enclosure of the car port would be contrary to Policy, presumably because it could result in its being more readily used as habitable accommodation. The Parish fears that this would set a precedent, and also run counter to the other conditions imposed by the Planning Committee when the car port was granted planning permission.

11.7 In response to the Parish objections, the remaining conditions attached to the original consent would still stand. The use of the building would therefore be restricted to incidental purposes only. The applicant has confirmed that there is no intention to use the car port as habitable space. Furthermore, it would be possible to discern whether the building is in habitable use, as the building itself is visible from the public realm and not concealed within the site. As the conversion would be a breach of planning control, the Authority would be able to take the necessary steps to enforce the condition.

## 12. RECOMMENDATION

Grant Subject to Conditions

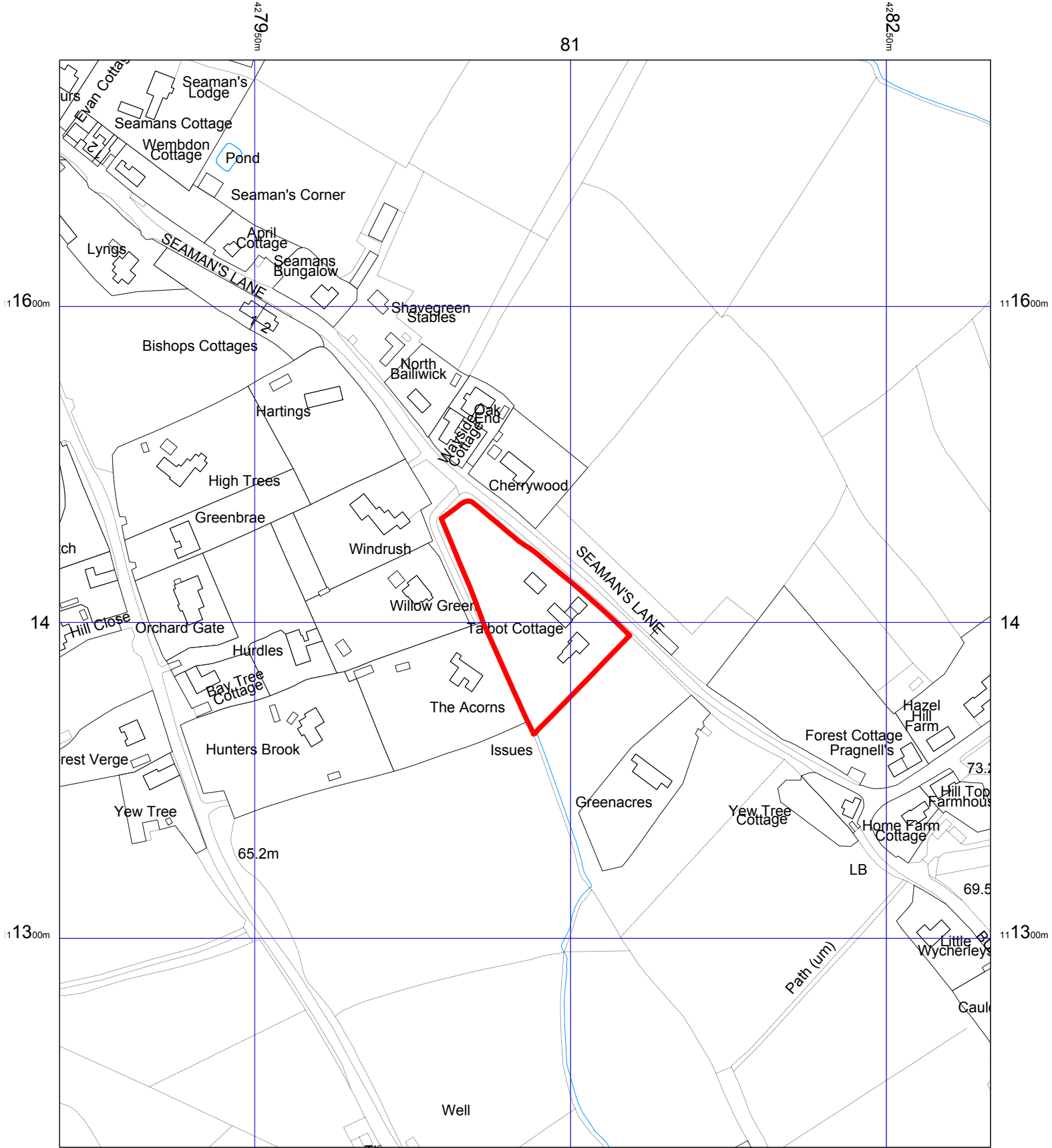
### Condition(s)

1 Development shall only be carried out in accordance with:

Drawing nos: Existing 1, Existing 2, Existing 3, 4, 5, Proposed 1, Proposed 2, Proposed 3a

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  
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