

**Application No: 16/00846/FULL Full Application**

**Site:** Land Of Roeshot (rear Of Cat And Fiddle "Pick Your Own" farm), Hampshire

**Proposal:** Change of Use of land to use as informal open air recreation space including (but not limited to) use as suitable alternative greenspace (SANG); creation of pond; boardwalk; drainage; fencing; gates; information board; benches.

**Applicant:** Mr G W Meyrick, Christchurch Environmental Management Ltd

**Case Officer:** Deborah Slade

**Parish:** BRANSGORE

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**1. REASON FOR COMMITTEE CONSIDERATION**

Previous Committee consideration.

**2. DEVELOPMENT PLAN DESIGNATION**

Site of Special Scientific Interest

**3. PRINCIPAL DEVELOPMENT PLAN POLICIES**

DP1 General Development Principles  
CP1 Nature Conservation Sites of International Importance  
CP2 The Natural Environment  
DP3 Open Space

**4. SUPPLEMENTARY PLANNING GUIDANCE**

Development Standards SPD

**5. NATIONAL PLANNING POLICY FRAMEWORK**

Sec 1 - Building a strong, competitive economy  
Sec 3 - Supporting a prosperous rural economy  
Sec 6 - Delivering a wide choice of high quality homes  
Sec 8 - Promoting healthy communities  
Sec 11 - Conserving and enhancing the natural environment  
Sec 12 - Conserving and enhancing the historic environment  
Sec 13 - Facilitating the sustainable use of minerals

**6. MEMBER COMMENTS**

None received

## **7. PARISH COUNCIL COMMENTS**

Bransgore Parish Council: No comments.

## **8. CONSULTEES**

- 8.1 Ecologist: Objection. There is no information within the application to demonstrate how impacts upon the adjacent Burton Common SSSI and the New Forest SPA will be avoided. The SANG strategy and management plan have not been provided. There is no method of securing off-site mitigation or compensation for impacts upon on-site habitats e.g. for lapwings and skylark.
- 8.2 Landscape Officer: There is concern that the proposal erodes the rural character of the landscape by the introduction of structures and non-native planting. It is not clear how the intended heathland restoration can be achieved, nor how the landscape will be managed in the longer term.
- 8.3 New Forest District Council - Development Control: No objection to the proposal. NFDC have granted permission for the Central SANG, subject to conditions and informatives.
- 8.4 Dorset County Council - Minerals and Waste: No comments.
- 8.5 Natural England: No objection subject to conditions.
- 8.6 Hampshire County Council - Minerals and Waste: No comments.
- 8.7 Christchurch Borough Council (Planning), Civic Offices: No objections. The SANG is now directly linked to the Christchurch Urban Extension housing allocation. Christchurch Borough Council is in negotiations with the applicant about how to secure the proposal as part of a S106 agreement.
- 8.8 East Dorset Planning, Council Offices: No comments.
- 8.9 HCC Access Development Officer (Planning): No comments.
- 8.10 Environmental Protection (NFDC): No comments.
- 8.11 RSPB South East Regional Office: No comments.
- 8.12 Hampshire and Isle of Wight Wildlife Trust: No comments.
- 8.13 Hampshire County Council Flood and Water Management: No comments.
- 8.14 Archaeologist: No objection subject to condition.

## **9. REPRESENTATIONS**

- 9.1 No representations received.

## **10. RELEVANT HISTORY**

- 10.1 Change of use of land to use as informal open air recreation space including (but not limited to) use as suitable alternative greenspace (SANG) (16/00281) withdrawn on 28 July 2016
- 10.2 Construction of internal access road to the existing access to the A35 to serve the proposed Roeshot Quarry (16/00277) approved 31 August 2016

## **11. ASSESSMENT**

- 11.1 This is the second application the Authority has received for the change of use of land within the New Forest National Park to informal open space to meet the needs arising from development outside the National Park. An earlier application for this same proposal was withdrawn last year. The site comprises an area of agricultural land of 7 hectares within the National Park. Part of the site was a former gravel pit. To the west of the site is a footpath and the boundary with New Forest District Council. Almost immediately to the north is Burton Common SSSI, just beyond a proposed haulage road for the 87 hectare minerals extraction site at Roeshot allocated within the adopted Hampshire Minerals & Waste Plan (2013). To the south is a 'pick your own' farm, which also lies within the National Park, and beyond it, the A35. To the east is further agricultural land. The site forms part of the Hinton Admiral Estate.
- 11.2 The proposal is to change the use of the land from agriculture to an area of informal open air recreation space, including its use as an area of Suitable Alternative Natural Greenspace (a 'SANG'). The application is submitted on the basis of providing alternative recreational space for the residents of the allocated Christchurch Urban Extension. This aim is to encourage recreation and dog walks in a more robust area than sensitive areas such as the Dorset Heathlands, Burton Common SSSI and New Forest SPA areas within the National Park. This application forms one of three linked planning applications, and this would be the 'eastern SANG' which would be linked to two other SANG areas within NFDC and Christchurch Borough via a 'green corridor'. New Forest District Council granted planning permission for the change of use of agricultural land within the district to use as natural green space in June 2016 subject to conditions, and Christchurch Borough Council are working on the terms of a S106 agreement which would link their SANG to the housing allocation.

11.3 In principle there is no objection to providing informal recreation space in appropriate areas of the National Park to offset pressures on more sensitive sites and such an approach is supported within the Core Strategy (Policy CP3). The area of land proposed currently has limited public access through the footpath network from the A35 towards Waterditch and Neacroft. Apart from the A35, the area is tranquil and not a part of the National Park which is widely used for recreation by visitors, although it is used locally by residents of the area. There are sensitive habitats adjacent to the site in the form of the Burton Common SSSI and therefore the Authority has to consider the potential impact of the proposal upon this nationally designated site of ecological importance, in accordance with Policy CP2 of the Core Strategy and Section 11 of the National Planning Policy Framework, as well as potential impact on the landscape character of the National Park.

11.4 Planning applications to change the use of land to recreational open space/ SANG use are more common in other parts of the country, outside nationally designated landscapes such as the New Forest National Park. Natural England's 'Guidelines on the Creation of SANGs' (2008) sets out a range of **essential** characteristics for a successful SANG, including (but not limited to):

- SANGs must be designed so that visitors are not deterred by safety concerns;
- SANGs must be perceived as natural spaces without intrusive artificial structures;
- SANGS must be free from unpleasant visual, auditory or olfactory intrusions; and
- Access within the SANG must be largely unrestricted.

These criteria are particularly relevant in considering this proposed change of use, which would be located immediately adjacent to a large scale minerals extraction site (with its associated haulage route, bunding and crushing plant). It is important to note that these are general guidelines and do not reflect the specific considerations that must be applied when assessing a proposed change of use of a large area of land within a nationally protected landscape.

11.5 The proposed SANG site has the potential to alleviate some recreational pressures on the adjacent 40-hectare Burton Common SSSI and the internationally protected habitats in the National Park. However, to determine this the Authority requires full details on the scheme to assess whether the proposals would fulfil their intended purpose. The assessment of this proposal in the National Park must also consider the immediate proximity of the designated SSSI at Burton Common, which is classified as being in 'unfavourable-recovering' condition by Natural England. Changing the use of adjacent land to recreational space has the

potential to compound recreational impacts upon the SSSI and therefore detailed consideration of the proposal and its likely impacts upon adjacent ecology are required.

- 11.6 Natural England raise no objection to the application, having had sight of a draft Roeshot and Burton SANG Delivery strategy document dated November 2016, which has not been seen by officers of the National Park Authority and has not been submitted as part of this planning application, despite being requested. There is therefore concern that it has not been demonstrated that the proposal would not place additional pressures upon Burton Common SSSI, and it is not clear how it would deflect pressures from the New Forest SPA. The Applicant contends that the National Park Authority should add a planning condition to any consent granted which requires the submission of a SANG delivery strategy. However officers are strongly of the view that the principle of how the SANG will function should be considered at this stage rather than left to condition, as there is no certainty that such a condition could be met. Without clear details on the delivery of the SANG it is not possible at this stage to conclude that it would be effective in avoiding impacts on the adjacent SSSI. No mitigation is proposed and capable of being secured as part of this application that would avoid potential impacts upon the adjacent SSSI.
- 11.7 There is also concern about Natural England's view that "*other aspects of the SANG security and maintenance will be resolved as part of applications where neighbouring authorities are taking a lead in determining applications*". This suggests that the National Park Authority would have little say in how the SANG is managed or its ultimate character and appearance. Whilst this may be acceptable to Natural England, it is the duty of the National Park Authority to ensure that any development meets with the two purposes of the National Park, i.e. to ensure that its natural beauty, wildlife and cultural heritage is conserved and enhanced, and to promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.
- 11.8 Officers are concerned that the SANG may not be fit for purpose, taking into account the 2008 guidelines set out above. In addition, concerns are raised regarding the proposed character and appearance of the SANG as a development within a National Park as highlighted in the NPA Landscape Officer's comments. The Landscape character would be altered by provision of 'country park' infrastructure e.g. litter bins, interpretation boards, board walks, dog pond, benches, post and wire fencing, waymarkers and non-native/ ornamental species. Whilst it is intended that there would be some heathland restoration proposed, this is a complex undertaking and no details have been provided to demonstrate how this would be achieved or managed in the longer term. The Agent's view is that the overall masterplan is illustrative only and that any further gates, fences

and benches would not require further planning approval; that it should be accepted that the application may result in a landscape solution that is slightly different from what might normally be acceptable within the National Park. This raises serious concerns regarding the suitability of a standard SANG solution in a nationally protected landscape.

- 11.9 Whilst officers consider that it *would* be possible to design and manage a SANG at this site which does respect the landscape character and ecology of the area, achieving this would take careful design and planning, and there is concern that this has not been done; what is being proposed is a basic 'country park' format with no consideration to the longer term landscape establishment or management, nor to habitats already at the site e.g. lapwing and skylark. Again it is material that the Authority has not had sight of the SANG delivery strategy, and of some concern that Natural England are suggesting that the future landscape of the National Park should be shaped by the decisions of neighbouring authorities.
- 11.10 As there are still uncertainties about the potential for the land to fulfil its intended SANG function, the Authority has considered the option of amending the description of the development to just grant planning permission for the change of use of the land to informal recreation space. However, it is still not possible to do this at the present time because the potential recreational impacts upon protected species and the SSSI, as well as the landscape character of the National Park, have still not been satisfactorily resolved.
- 11.11 At this juncture it is therefore recommended that planning permission is refused as there are a number of significant matters that have not been satisfactorily resolved. It remains unclear:
- how the SANG area could fulfil its intended legal function given the potential conflicts caused by the proximity of the large scale minerals allocation;
  - how the SANG would be established and managed, particularly without causing impacts upon existing habitats and the suburbanisation of the landscape. This concern is exacerbated by the lack of a final SANG delivery strategy; and
  - how the SANG area (where public access would be encouraged) would relate and interact with the adjacent SSSI.
- 11.12 This is unlikely to be the last application received by the Authority for recreational / SANG use within the National Park and it is essential that sufficient information is provided at the planning application stage to enable a full assessment of the proposals.
- 11.13 Finally, it should be emphasised that officers remain willing to consider a revised application which adequately addresses the issues set out above. The Authority fully recognises the

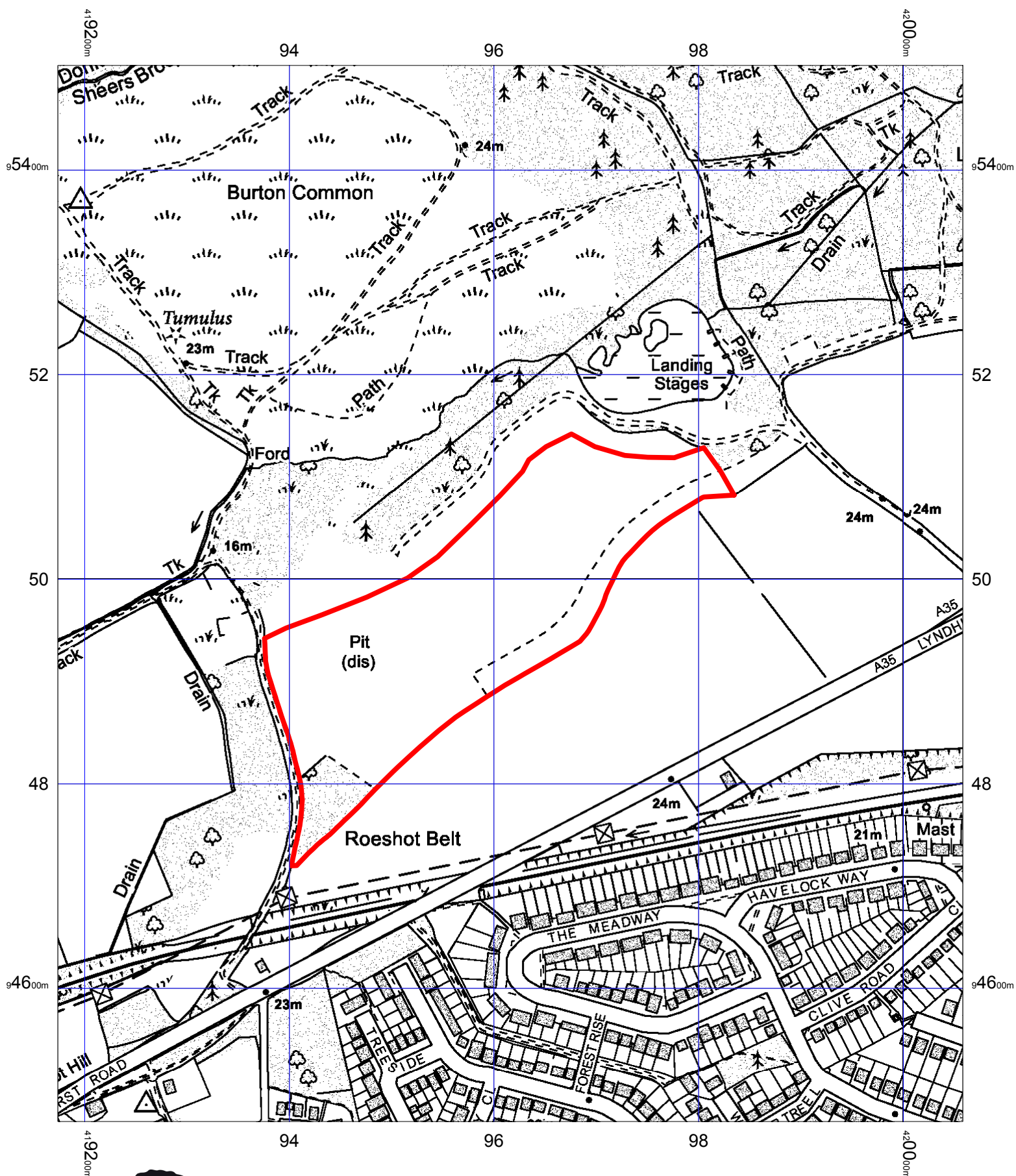
importance of the SANG to the allocated Christchurch Urban Extension and has consistently stated that a SANG in the National Park could work if carefully designed and managed to ensure there are no conflicts with the Statutory Park purposes. Unfortunately, having been withdrawn in summer 2016 this proposal has been re-submitted without any further engagement with officers and without details being available on how the SANG would be delivered and managed.

## **12. RECOMMENDATION**

Refuse

### **Reason(s)**

- 1 It has not been demonstrated that the proposal would uphold the ecological integrity of protected species populations, the adjacent SSSI (Burton Common), or the landscape character of the area. It is not clear that the proposal would divert impacts away from the New Forest SPA, given the distance from the development which it seeks to mitigate. As such the proposal is contrary to Policies DP1, CP2, CP8, CP3 and CP6 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).



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

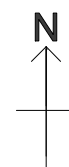
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Date: 03/01/2017

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**Application No: 16/00909/VAR Variation / Removal of Condition**

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

**Proposal:** Application to vary condition 10 of planning permission 15/00987 to allow a minor material amendment to planning permission reference 15/00376

**Applicant:** Moortown Developments

**Case Officer:** Clare Ings

**Parish:** SWAY

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**1. REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council view

**2. DEVELOPMENT PLAN DESIGNATION**

Defined New Forest Village

**3. PRINCIPAL DEVELOPMENT PLAN POLICIES**

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

**4. SUPPLEMENTARY PLANNING GUIDANCE**

Sway Village Design Statement

**5. NATIONAL PLANNING POLICY FRAMEWORK**

Sec 3 - Supporting a prosperous rural economy  
Sec 11 - Conserving and enhancing the natural environment

**6. MEMBER COMMENTS**

None received

**7. PARISH COUNCIL COMMENTS**

Sway Parish Council: Recommend refusal:

- latest in a long running series of applications

- recently refused additional conservatory space
- use of roof space will increase the burden on the infrastructure and add to congestion in an area close to the school which already experiences parking issues
- would increase light pollution

## **8. CONSULTEEES**

- 8.1 Highway Authority (HCC): No objection. The original plans for the dwellings indicated four bedrooms, and no objections were raised at the time.

## **9. REPRESENTATIONS**

- 9.1 One representation received objecting to the proposal as no provision would be made for bat roosts in the roof as per the original proposal.

## **10. RELEVANT HISTORY**

- 10.1 Retention of single storey rear extension (16/00910) - concurrent application (item 3 on this agenda)
- 10.2 5 no. detached dwellings; sheds; access; widening of footpath; associated landscaping (Revised design to Planning Permission 15/00376) (16/00619) refused on 18 October 2016
- 10.3 Application to vary condition 10 of planning permission 15/00987 to allow a minor material amendment to planning permission reference 15/00376 (16/00311) granted permission on 6 June 2016
- 10.4 5no. detached dwellings; sheds; access; widening of footpath; associated landscaping (demolition of existing buildings) (Application for a non-material amendment to 15/00376) (15/00987) - no objections raised 8 January 2016
- 10.5 5no. detached dwellings; sheds; access; widening of footpath; associated landscaping (demolition of existing buildings) (15/00376) granted permission 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 with five dwellings is now nearing completion.
- 11.2 The proposal to demolish the existing building and erect five detached dwellings was granted planning consent in July 2015

(15/003767) and subsequently amended to include a small single storey lean-to extension to the rear of each dwelling in June 2016 (16/00311). The dwellings are predominantly two-storey and constructed of traditional materials - brick under a tiled roof. Four of the dwellings are accessed off Church Lane, with the remaining one off Westbeams Road, and parking (2 spaces per dwelling) is to the front of the dwellings.

- 11.3 An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied; the condition in this case is to vary the plans submitted with the original application. There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved, otherwise a new application would be necessary.
- 11.4 The minor material amendment to the original permission sought in this case is specifically to add three additional rooflights to Plots 3, 4 and 5 and to raise the height of the already permitted rooflight higher up the roofslope of the same units so that there are two pairs of rooflights in both side elevations. Although no stairs are shown to serve the loft space, which would be served by a hatch, it may be possible to change these arrangements internally.
- 11.5 The re-positioning of the proposed roof lights and the insertion of the additional rooflights in the dwellings for Plots 3, 4 and 5 are not considered to detrimentally change the overall appearance of the dwellings, and therefore in that respect this proposal is considered acceptable. The key consideration would be whether the proposal is likely to create significant overlooking or have a detrimental impact on the surroundings in terms of additional activity in the wider area.
- 11.6 It is not considered that there would be any significant overlooking issues as a result of the proposal; for the most part the rooflights would be internal to the overall development and where they are not, i.e. the north elevation of Plot 5 and the west elevation of Plot 3, they would simply look out onto existing blank roofs. In addition, the cill level would be at least 1.7m above the floor of the loft space making it difficult to gain any direct views from the windows.
- 11.7 The plans indicate that the space to be served by the rooflights for the three dwellings would be a warm/insulated loft to be used for storage - a wall is proposed to be inserted creating about 24m<sup>2</sup> of storage space which would be accessed via a loft hatch. The insertion of the rooflights would make it easier for the space to be used as habitable floorspace, and therefore a condition is

proposed that no further rooflights or windows should be added, and also that the development should only be carried out in accordance with the submitted plans to address this possibility.

- 11.8 However, it is important to note that the original plans for the dwellings indicated that each dwelling would have four bedrooms, and at the time the provision of two parking spaces was considered sufficient - no objection was received from the Highways Authority. The current plans now indicate that these three dwellings would each have only three bedrooms and thus the potential for the roofspace being used for a further bedroom would not give rise to a further requirement for additional parking. Advice has been sought from the Highways Authority, and no objection has been raised.
- 11.9 The objection from the Parish Council refers to increased congestion as a result of the development, but in an area which already experiences considerable traffic issues associated with the nearby school, it is not considered that the insertion of these rooflights would significantly add to those problems.
- 11.10 The Parish Council also objects on the grounds of light pollution. However, as the rooflights are currently proposed to serve loft space, it is unlikely that there would be any significant light spillage from space which would not be excessively used. Even with the roofspace being used (potentially) for habitable accommodation, it is not considered that the insertion of additional rooflights would significantly increase light pollution in the area.
- 11.11 A concern has been raised that the use of the roofspace would be contrary to the approved details for a bat roost. However, the bat roost was proposed in the roof space of Plot 1 only (as approved), and therefore this application would not affect that provision.
- 11.12 A succession of applications proposing various amendments can be frustrating but this in itself is not a reason for refusal. The aim of the condition in this case was to enable the Authority to retain some control over any future changes to the roof rather than to blankly prohibit any further changes. For the reasons outlined above, and in the absence of any demonstrable harm, permission is therefore recommended subject to the conditions set out below.

## **12. RECOMMENDATION**

Grant Subject to Conditions

### **Condition(s)**

- 1 Development shall only be carried out in accordance with Drwgs: 8562/200 REV B, 8562/601, 8562/202 REV D, 8562/500, 8562/501, 8562/502, 8562/503 and 8562/206 REV 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.

- 2 All new roof lights shall be of a 'Conservation' type and shall be fitted so that, when closed, their outer surfaces are flush with the plane of the surrounding roof covering.

Reason: To protect the character and architectural interest of the building in accordance with Policies DP1, DP6 and CP7 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 3 Landscaping of the site shall be laid out in accordance with Drwg No: 8562/207, approved by letter dated 21 April 2015.

Development shall only take place 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).

- 4 The development hereby permitted shall not be occupied until the arrangements for parking both cars and cycles, 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.

- 5 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 DP10 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 6 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). 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).

- 7 Development shall only take place in accordance with the details of the means of disposal of surface water from the site as set out on Drwg No 8562/300 REV F and the Surface Water Strategy Report and approved on 21 July 2016 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).

- 8 Prior to the commencement of development details of the future maintenance of the drainage system approved under condition 7 above shall be submitted to the National Park Authority. The maintenance arrangements and full details of the responsible parties must be confirmed to the National Park Authority by the applicant prior to occupation of the penultimate building.

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 No development, demolition or site clearance shall take place until the arrangements to be taken for the protection of trees and hedges as identified on Drwg No 8562/207 as approved on 21 April 2015 have been implemented.

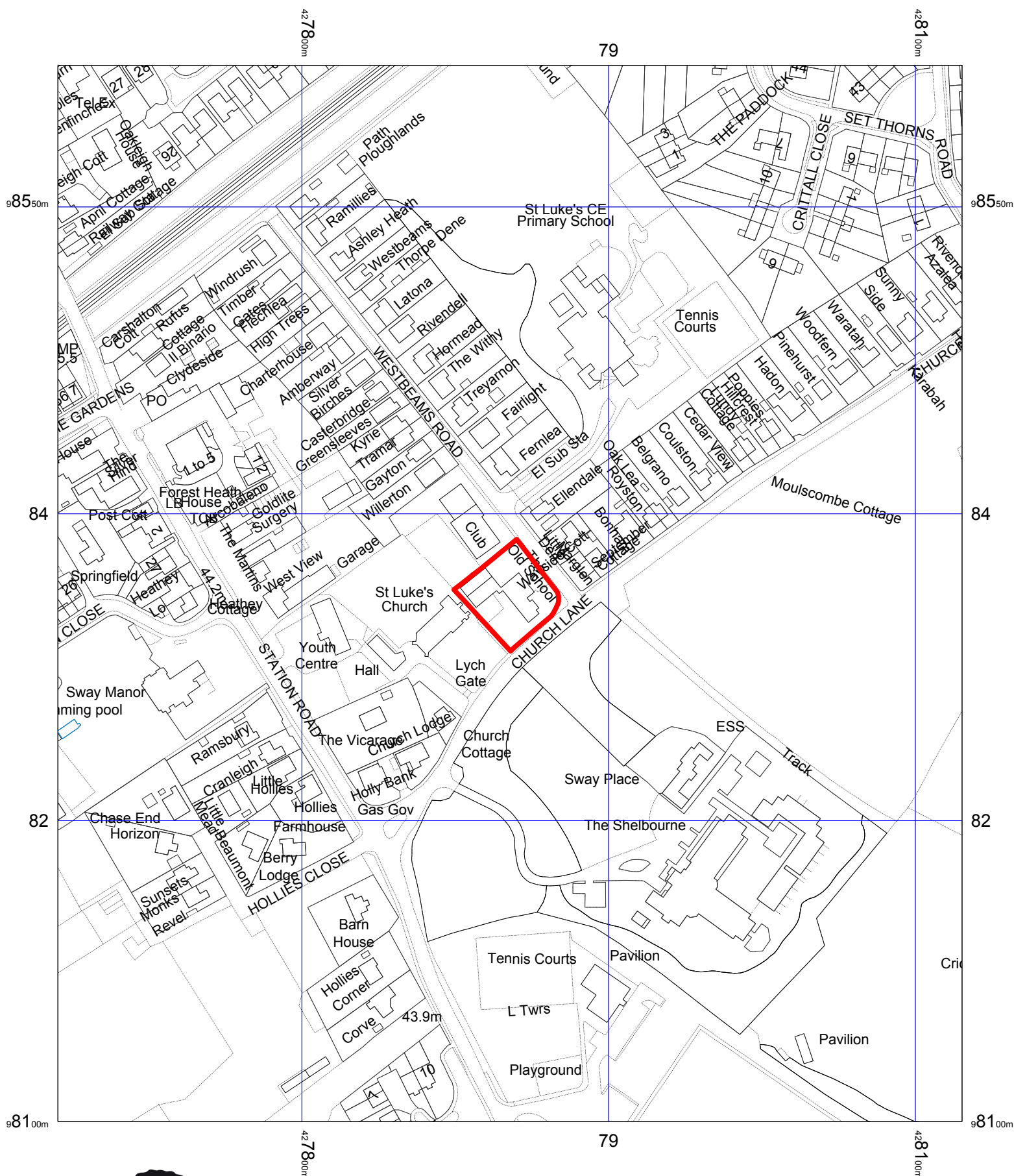
The agreed arrangements shall be carried-out in full prior to any activity taking place and shall remain in-situ for the duration of the development.

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 No windows or rooflights other than those hereby approved shall be inserted into the roofspace of the dwelling unless express planning permission has first been granted.

Reason: To ensure the accommodation provided on the site remains of a size appropriate to its location within the countryside and to comply with Policy DP11 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).



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

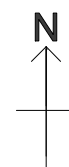
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**Application No: 16/00910/FULL Full Application**

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

**Proposal:** Retention of single storey rear extension

**Applicant:** Mr R Galton

**Case Officer:** Clare Ings

**Parish:** SWAY

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**1. REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council view

**2. DEVELOPMENT PLAN DESIGNATION**

Defined New Forest Village

**3. PRINCIPAL DEVELOPMENT PLAN POLICIES**

DP1 General Development Principles  
DP11 Extensions to Dwellings  
DP6 Design Principles

**4. SUPPLEMENTARY PLANNING GUIDANCE**

Design Guide SPD  
Sway Village Design Statement

**5. NATIONAL PLANNING POLICY FRAMEWORK**

Sec 3 - Supporting a prosperous rural economy  
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 did not believe that the extension was appropriate in terms of design and floor-space
- The plot was not a large plot and the extension was not suitable for a

plot of that size

- The committee also reminded itself of the reasons it had previously given for recommending refusal and did not think that anything had changed to cause it to reconsider those reasons
- The Sway Village Design Statement does not support this application

## **8. CONSULTTEES**

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 (16/00909) - concurrent application (item 2 on this agenda)
- 10.2 5 no. detached dwellings; sheds; access; widening of footpath; associated landscaping (Revised design to Planning Permission 15/00376) (16/00619) refused on 18 October 2016
- 10.3 Application to vary condition 10 of planning permission 15/00987 to allow a minor material amendment to planning permission reference 15/00376 (16/00311) granted permission on 6 June 2016
- 10.4 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
- 10.5 5no. detached dwellings; sheds; access; widening of footpath; associated landscaping (demolition of existing buildings) (15/003767) granted permission on 28 July 2015

## **11. ASSESSMENT**

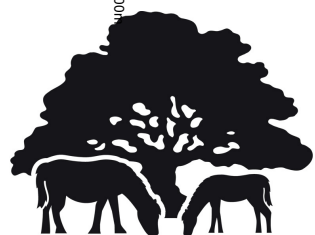
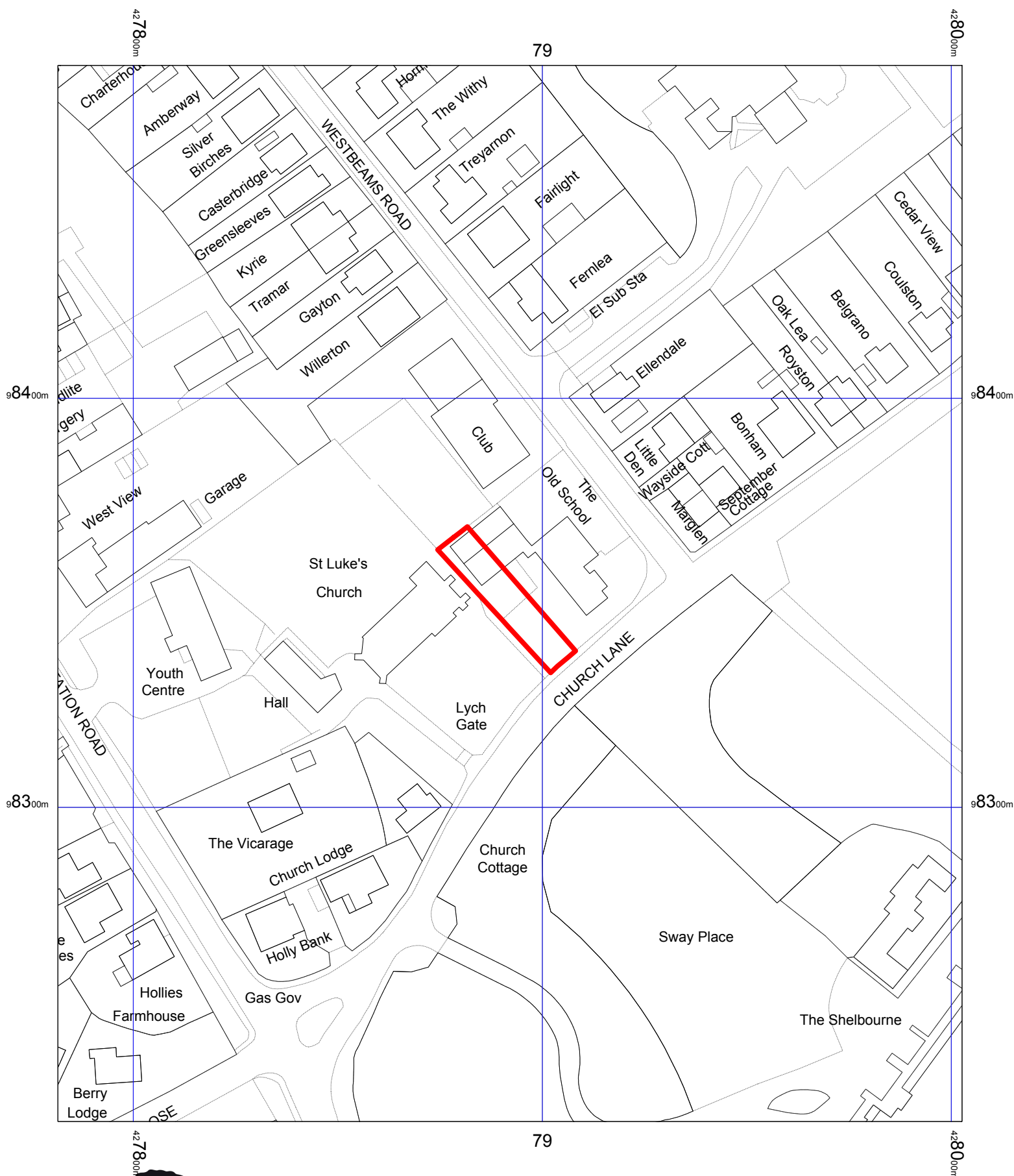
- 11.1 The application site occupies a corner plot at the junction of Westbeams Road and Church Lane. It is a level site and previously comprised a single large two storey height red brick Victorian building of character with a tiled roof. Development of the site with five dwellings is now nearing completion.
- 11.2 The proposal to demolish the existing building and erect five detached dwellings was granted planning consent in July 2015 (15/003767) and subsequently amended to include a small single storey lean-to extension to the rear of each dwelling in June 2016

(16/00311). The dwellings are predominantly two-storey and constructed of traditional materials - brick under a tiled roof. Four of the dwellings are accessed off Church Lane, with the remaining one accessed off Westbeams Road, and parking is to the front of the dwellings.

- 11.3 An application to increase the depth of the single storey lean-to extensions to the rear of each dwelling (16/00619) was refused in October 2016. At the time of that application, the larger single storey extension had already been added to the dwelling on Plot 1, and this application seeks to retain that extension as built.
- 11.4 The extensions, including that to Plot 1, permitted under 16/00311 added just over 6m<sup>2</sup> 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 9m<sup>2</sup> to the dwelling, a total of 15m<sup>2</sup>. The key consideration is whether the additional floorspace to Plot 1 would result in an overdevelopment of the site and cramped layout.
- 11.5 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 understood, and whilst the increase in floorspace of the dwelling on Plot 1 would further encroach into its garden space, it is a relatively modest increase, single storey only and therefore would not significantly harm the overall balance between the built form and garden/open space, or adversely affect the character and appearance of the wider area. In terms of appearance, this is considered to be acceptable, with matching materials. Being single storey, it would have little impact on the amenities of the adjoining dwelling. The proposal would therefore comply with policy DP1.
- 11.6 The Sway Village Design Statement seeks to avoid high density cramped developments, but it is not considered that the further small extension to Plot 1 alone would be contrary to the guidelines contained within that document.
- 11.7 Notwithstanding the decision made in October 2016 to refuse extensions to all five dwellings, because this proposal relates only to one dwelling (Plot 1), and that dwelling occupies the largest plot with a resulting garden depth of approximately 14m (as oppose to 8m for the other plots), permission is recommended to allow the retention of this one extension. Furthermore, it is not considered that allowing the retention of this one single storey rear extension undermines the Authority's earlier refusal to add similar extensions to each of the properties (where the cumulative impact would be much greater).

## **12. RECOMMENDATION**

Approval Without Conditions



NEW FOREST  
NATIONAL PARK

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

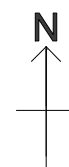
Tel: 01590 646600 Fax: 01590 646666

Date: 03/01/2017

**Ref: 16/00910/FULL**

**Scale: 1:1250**

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**Application No: 16/00927/FULL Full Application**

**Site:** Highfield, Blissford Road, Blissford, Fordingbridge, SP6 2JH

**Proposal:** Single storey extension to mobile home

**Applicant:** Miss J Birch

**Case Officer:** Katie McIntyre

**Parish:** GODSHILL

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**1. REASON FOR COMMITTEE CONSIDERATION**

To consider whether the applicant's personal circumstances warrant a departure from policy

**2. DEVELOPMENT PLAN DESIGNATION**

Conservation Area

**3. PRINCIPAL DEVELOPMENT PLAN POLICIES**

DP11 Extensions to Dwellings  
DP1 General Development Principles  
CP8 Local Distinctiveness  
CP7 The Built Environment

**4. SUPPLEMENTARY PLANNING GUIDANCE**

Not applicable

**5. NATIONAL PLANNING POLICY FRAMEWORK**

Sec 11 - Conserving and enhancing the natural environment  
Sec 6 - Delivering a wide choice of high quality homes  
Sec 12 - Conserving and enhancing the historic environment

**6. MEMBER COMMENTS**

None received

**7. PARISH COUNCIL COMMENTS**

Godshill Parish Council: Support:

The proposal is compelling, appropriate and logical to support the needs and exceptional circumstances of applicant and her family.

## **8. CONSULTEEES**

No consultations required

## **9. REPRESENTATIONS**

9.1 None received

## **10. RELEVANT HISTORY**

- 10.1 Siting of mobile home (94/54470) refused on 6 July 1994.
- 10.2 Enforcement Notice issued 2 December 1997. Subsequent enforcement appeal dismissed 18 August 1998.
- 10.3 Prosecution in Magistrates Court 9 June 2000.
- 10.4 Further prosecution in Magistrates Court 3 September 2002.
- 10.5 Resolution by District Council Planning Committee to give applicant one month to submit homelessness application failing which injunction proceedings would be commenced.
- 10.6 Retention of mobile home for agricultural worker (04/83091) appeal dismissed 8 November 2005.
- 10.7 Injunction Hearing judgement delivered 2 March 2006
- 10.8 Rretention of extended mobile home and ancillary mobile home (11/96247) granted on 20 March 2012 subject to a legal agreement.
- 10.9 Completion of building to provide residential accommodation (16/00085) refused on 17 May 2016.

## **11. ASSESSMENT**

- 11.1 The application site lies outside of the defined villages within the Western Escarpment Conservation Area. The site consists of two mobile homes. The larger of the two mobile homes on the site is occupied by the applicant and her son Jakey, and the second smaller mobile home is occupied in an ancillary capacity by her daughter Rose. This application seeks consent for a single-storey extension to the principal mobile home at the site occupied by Jakey and his mother.
- 11.2 From the outset it is important to understand the planning history of the site and the applicant's particular circumstances. The site has a long planning enforcement history which is recorded in section 10 above. In summary, an enforcement notice was issued against the existing mobile home back in 1997, a decision which

was upheld at appeal. A subsequent application to retain the mobile home was refused and dismissed on appeal in 2005. Further legal action through the Courts however failed to secure compliance with the Enforcement Notice. In 2011/2012 an application for the regularisation of this mobile home together with a second ancillary mobile home on the site was submitted and approved. A decision was granted as an exception to the development plan on the basis of the individual circumstances of Jakey who has severe cerebral palsy. This approval is subject to a S106 legal agreement in relation to the following:

- An acceptance that any permission has only been granted owing to the very special circumstances surrounding the applicant's son, Jakey Pearce.
- An acceptance that the Authority will not permit the mobile homes to be replaced with a permanent structure;
- The residential occupation of the site subsists only for the benefit of the applicant's son (to include his parents and siblings) and that within three months of the date when the applicant's son ceases to reside at the site (for whatever reason), the residential occupation of the site shall have ceased completely by all individuals;
- With three months thereafter, all residential development shall be removed from the site (to include mobile homes and buildings) and the land restored to a condition first agreed in writing by the Authority; and
- Not to permit any further buildings or structures to be erected at the site without first applying for and securing the necessary planning permission.

In 2016 an application for the retention of a log cabin to allow Jakey's sister Alice and her family (partner and two children) to live at the site was refused. This log cabin has since been removed from the site.

11.3 The National Planning Policy Framework requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. There is no policy to directly support the extension of the existing mobile home. The two mobile homes at the site have however been allowed to remain to date owing to the family's circumstances and thus consideration needs to be given as to whether these circumstances extend to the development proposal now the subject of this planning application.

11.4 Officers have been involved in discussions with the applicant, Jakey's Occupational Therapist and the Disabled Facilities Grant Officer at New Forest District Council in relation to accommodating Jakey's needs now he is entering adulthood prior to the submission of this application. Various options were considered including whether access to a sleeping area and family living area within the existing mobile home could be



achieved. It was found however that the condition of the floor in the original part of the mobile home would not be strong enough to adequately support the wheelchair owned by Jakey. For this reason the Council's Disabled Facilities Grant Officer suggested two alternative approaches to meeting Jakey's needs. The first was to create an extension of a suitable size to accommodate a bedroom for Jakey. His current sleeping area could then be used as a family living space. The second option was to replace the existing mobile home with a newer mobile home of a suitable layout capable of bearing the weight of Jakey's wheelchair. This second option was not considered to be financially viable and as such this application seeks consent for a modest extension.

- 11.5 The proposed extension would have a footprint of approximately 5m by 5m and would be constructed of wood to match the extension permitted in 2011/2012. The addition would be accessed via the existing ramp externally and an internal doorway. It would provide a private bedroom for Jakey. Currently Jakey occupies the space within the extension in situ. This room is not however private being the only access through the mobile home to the front door by visitors. It also acts as the family living area as Jakey is unable to enter the original parts of the mobile home as the doorway widths are too narrow for his wheelchair.
- 11.6 The extension would allow his current bedroom area to be used as a family room so that Jakey can access unaided using his powered wheelchair. The size of the extension has been dictated by the equipment Jakey requires such as his mobile hoist, electric bed and his comfy chair which would allow him to sit comfortably and enable him to complete activities he enjoys such as computing. The addition would also allow adequate turning space for his powered wheelchair as well as access around the bed which would benefit his care. The application has been accompanied by supporting letters from Jakey's Occupational Therapist and from Hampshire County Council's Children's Services Department and the Western Area Disabled Children's Team. The Parish Council also support the proposal.
- 11.7 It is evident from the information provided and the letters of support from Jakey's care workers that the proposed accommodation is required in order to allow Jakey to remain in his home as he enters adulthood and that the space proposed is proportionate to that need. There is therefore considered to be exceptional circumstances in this instance which would warrant a departure from the development plan. As there is an existing S106 agreement relating to the land which restricts the occupation of the mobile home and requires all development to have written consent from the Authority, it is not considered there would be a need for further restrictive conditions attached to this consent. The proposal would still be in compliance with this S106 agreement.

## **12. RECOMMENDATION**

Grant Subject to Conditions

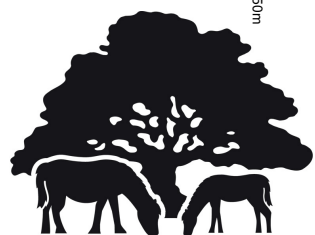
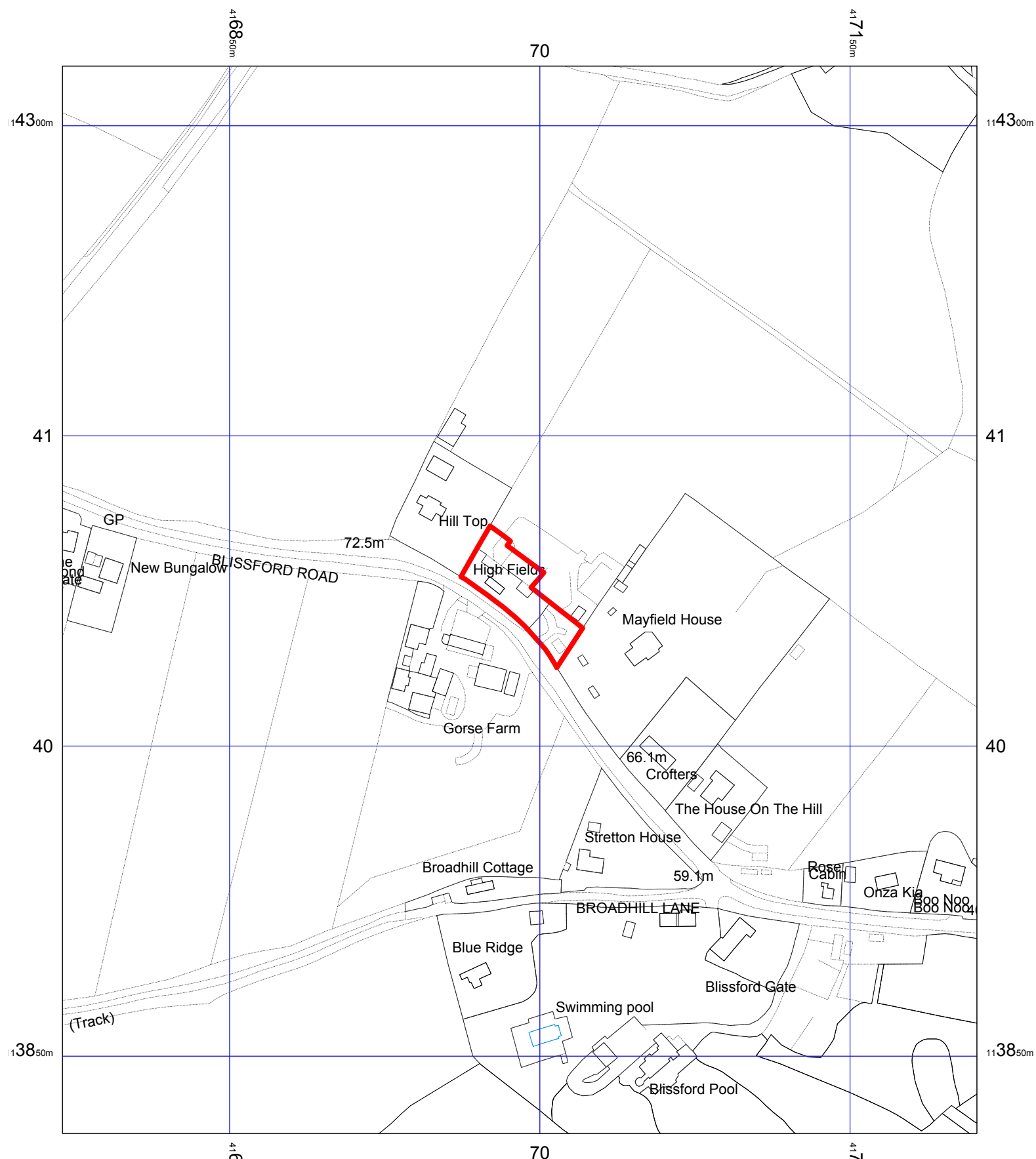
### **Condition(s)**

- 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 drawing numbers: Location Plan 001, Block Plan 002, 1, 2, 3, 4, 5, 6 and 7. 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

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

Tel: 01590 646600 Fax: 01590 646666

Date: 06/01/2017

**Ref: 16/00927/FULL**

**Scale: 1:2500**

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