

**Application No: 18/00809/FULL Full Application**

**Site:** Lester Cottage, Mill Lane, Burley, Ringwood, BH24 4HR

**Proposal:** Replacement dwelling; re-roofing and cladding to existing detached garage; extension to existing gravel driveway; creation of patio; demolition of existing dwelling

**Applicant:** Mr A Jupe

**Case Officer:** Katie McIntyre

**Parish:** BURLEY

---

**1. REASON FOR COMMITTEE CONSIDERATION**

Referred by Authority Member.

**2. DEVELOPMENT PLAN DESIGNATION**

Conservation Area

**3. PRINCIPAL DEVELOPMENT PLAN POLICIES**

DP1 General Development Principles  
DP6 Design Principles  
DP10 Replacement Dwellings  
DP12 Outbuildings  
CP1 Nature Conservation Sites of International Importance  
CP2 The Natural Environment  
CP7 The Built Environment  
CP8 Local Distinctiveness

**4. SUPPLEMENTARY PLANNING GUIDANCE**

Design Guide SPD

**5. NATIONAL PLANNING POLICY FRAMEWORK**

Sec 12 - Achieving well-designed places  
Sec 15 - Conserving and enhancing the natural environment  
Sec 16 - Conserving and enhancing the historic environment

**6. MEMBER COMMENTS**

Richard Frampton – requests that the application is referred to the Planning Committee for a decision.

## **7. PARISH COUNCIL COMMENTS**

Burley Parish Council: Recommend permission but would accept the decision reached by the NFNPA's Officers under their delegated powers. The property has demonstrably reached the stage at which re-building in a style reflective of the original design is now appropriate.

The full statement of comments from the Parish Council can be read on the Authority's website.

## **8. CONSULTEES**

- 8.1 Ecologist: No objections subject to conditions
- 8.2 Tree Officer: No objections subject to conditions
- 8.3 Natural England: No objections subject to conditions
- 8.4 Building Design & Conservation Area Officer: Objects to the demolition of the existing cottage. Lester Cottage is a typical New Forest Cottage on the edge of the open Forest and within the Burley Conservation Area. It is of local interest and contributes positively to the character and appearance of the Conservation Area as an undesignated heritage asset. It is noted that the costs to rebuild are cheaper than to repair and retain the building but it remains the case that the building is capable of being restored and is not beyond repair. Do not consider the case has been made to justify the demolition of the building.

## **9. REPRESENTATIONS**

- 9.1 None received

## **10. RELEVANT HISTORY**

- 10.1 Replacement dwelling; re-roof and cladding to existing detached garage; extension to existing gravel driveway; demolition of existing dwelling (18/00032) refused on 13 April 2018. Appeal lodged and awaiting decision
- 10.2 Dwelling with attached garage (demolition of existing dwelling) (16/00881) refused on 02 February 2017.
- 10.3 Single-storey side extension (16/00388) withdrawn on 30 June 2016.
- 10.4 Agricultural implement store (RFR/06641) granted on 26 June 1960.

## 11. ASSESSMENT

- 11.1 The application site is a detached cottage set within the Burley Conservation Area located opposite the open forest in a sensitive and prominent location accessed via an un-made track. Immediately adjacent to the cottage is an agricultural / forestry yard which is also under the applicant's ownership. The property benefits from commoners' rights of pasture and mast. There were a number of outbuildings, including pole barns, which have since been demolished by the applicant and the site has been cleared as a precursor to previous planning applications. This has included the removal of a hedgerow to the front of the cottage which subdivided the garden from the yard. A new building has also been erected within the yard which does not benefit from planning permission.
- 11.2 Lester Cottage has been identified by the Authority as a building of local interest (non-designated heritage asset) which contributes positively to the character and appearance of the Burley Conservation Area by way of its historic and architectural interest. The dwelling is characteristic of a circa 1900 brick built two storey forest cottage, modest in form and largely symmetrical. Whilst the cottage has undergone minor unsympathetic alterations, these alterations are reversible, with the essence of the cottage's traditional forest character remaining evident. The cottage is therefore considered to represent an important example of a largely unaltered forest cottage, the number of which continue to get fewer with incremental development.
- 11.3 There have been previous refusals at the site for similar proposals of which the most recent was refused due to the following reasons:
1. The proposal would result in the loss of a traditional forest cottage which contributes positively to the historic character and appearance of the Burley Conservation Area. The cottage is considered to be a non-designated heritage asset and its loss would result in less than substantial harm with no overriding public benefits thus failing to preserve or enhance the visual amenities of the locality. The proposal is therefore contrary to policies DP10, CP7 and CP8 of the New Forest National Park Core Strategy and Development Management Policies DPD (December 2010) and the National Planning Policy Framework.
  2. The development would result in the encroachment of a domestic use outside of the residential curtilage of the site, for which there is no justification. The development would thus result in the gradual suburbanisation of the countryside to the detriment of the character of the Burley Conservation Area, the National Park and its special rural qualities. The proposal is therefore contrary to policies DP1, CP8 and DP10 of the New

The Authority's decision to refuse permission for a replacement dwelling at the site has been appealed by the applicant and is awaiting a decision by the Planning Inspectorate.

- 11.4 This application is very similar to the previously refused scheme, however, the design of the rear of the property has been altered, the extent of residential curtilage has been increased and additional information has been submitted with regards to costs in relation to the proposed underpinning of the existing building. This is the same information which has been submitted as part of the applicant's recent grounds of appeal. The relevant issues which need to be considered are:
- Whether the principle of development would comply with Policy DP10;
  - The impact of the proposal upon the character and appearance of the Burley Conservation Area and wider New Forest landscape;
  - The impact upon trees; and
  - Ecology.
- 11.5 Policy DP10 states that the replacement of dwellings will be permitted except where the existing dwelling makes a positive contribution to the historic character and appearance of the locality. As noted above, the cottage is considered to contribute positively to the character and appearance of the conservation area by way of its historic and architectural interest, comprising a non-designated heritage asset in accordance with Section 16 of the National Planning Policy Framework (NPPF). It is considered to be a typical New Forest Cottage of the vernacular of the late nineteenth century which contributes positively to the character and appearance of the Burley Conservation Area. These typical New Forest cottages are usually found in rural locations in settlements and/ or on the edge of the open Forest, such as Lester Cottage.
- 11.6 Lester Cottage thus contributes to the local distinctiveness of the New Forest and is an important and interesting phase in the development of the New Forest. It is considered that these cottages are of significance when assessed in accordance with Historic England's Conservation principles. In determining an application for planning permission for demolition, the Authority is obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area (Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)). The NPPF and case law places a general presumption in favour of retaining buildings and other elements which make a positive contribution to the character or

appearance of a conservation area. Where a proposal would result in substantial harm or less than substantial harm, as has been identified in this case, the NPPF advises that Authorities should refuse consent unless there are substantial public benefits that would outweigh the harm or loss. The application does not address this issue and, whilst it is appreciated that the appeal site is in need of repair, it is the Authority's view that this is likely to be feasible and as such a full and robust case for the demolition of the non-designated heritage asset has not been made.

- 11.7 The underlying theme of the application is that the dwelling is in need of replacement. As aforementioned, it is maintained that the details submitted provide insufficient information to justify the demolition and loss of the non-designated heritage asset. Further, no justification has been provided in relation to how a replacement of this cottage would result in substantial public benefits which would outweigh the less than substantial harm identified. It should be noted that the condition of the property has deteriorated since the original application was submitted to the Authority in 2016 when the building was clearly habitable with the removal of internal ceilings and fixtures. The NPPF is clear in that "*where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision*" (paragraph 191). As the proposal would result in the loss of a traditional forest cottage which contributes positively to the historic character and appearance of the Burley Conservation Area, without sufficient investigation and justification regarding repair and upgrading, the principle of the current proposal does not accord with either Policies CP7, CP8 and DP10 or the NPPF.
- 11.8 With regards to the proposed replacement dwelling, Section 11 of the NPPF confirms that great weight should be given to conserving landscape and scenic beauty in National Parks as these have the highest status of protection. Policies DP1 and CP8 require 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. In this instance, the design of the replacement cottage itself is acceptable in this rural location. However, notwithstanding this, it is considered that this does not outweigh the harm which would arise from the loss of the non-designated heritage.
- 11.9 The red line of the site as submitted is considered to include land which does not fall within the residential curtilage of the cottage and as such the proposal would encroach upon land outside of the established residential curtilage of the site. It is evident from aerial photographs of the site that the cottage in situ had a relatively small curtilage with the adjacent land being part of an agricultural yard. The application proposes to extend the residential curtilage of the property into this adjacent yard area for which there is no

justification. It has previously been confirmed by the Verderers that the cottage and adjacent yard benefit from the rights of pasture and mast. Commoning is a historic tradition within the New Forest and is considered to be one of the Park's special qualities. The yard and associated buildings are likely to be fundamental to any commoning activity continuing at the site and as such it is important that this use is retained. The proposal would therefore result in the gradual suburbanisation of the countryside to the detriment of the character of the National Park and its special rural qualities.

- 11.10 The applicant has made reference to an application submitted in 1960. This application was for an agricultural building and the application form submitted confirms the use of the land as an agricultural holding. This therefore provides further evidence with regards to the previous agricultural use at the site and the proposed encroachment of a residential use.
- 11.11 Natural England raise no objection to the application subject to appropriate mitigation being secured. Subsequently the Authority's Ecologist is overall satisfied with the submitted ecological report, subject to the conditions being attached to any granted planning consent.
- 11.12 In response to an application to fell four mature Oak trees at the site along the northern boundary, a Tree Preservation Order was made (TPO/0024/18). The proposed dwelling is shown to be positioned within the footprint of the existing dwelling and the foundations proposed are shown to be pile and above ground beam design. This method of construction is considered to be acceptable in this location. There are therefore no objections with regards to trees subject to appropriate conditions being secured.
- 11.13 In conclusion, the loss of Lester Cottage would result in less than substantial harm to the Burley Conservation Area which would not be outweighed by any public benefit. It is considered that the proposal would therefore not comply with local and national planning policy and as such it is recommended permission is refused.

## **12. RECOMMENDATION**

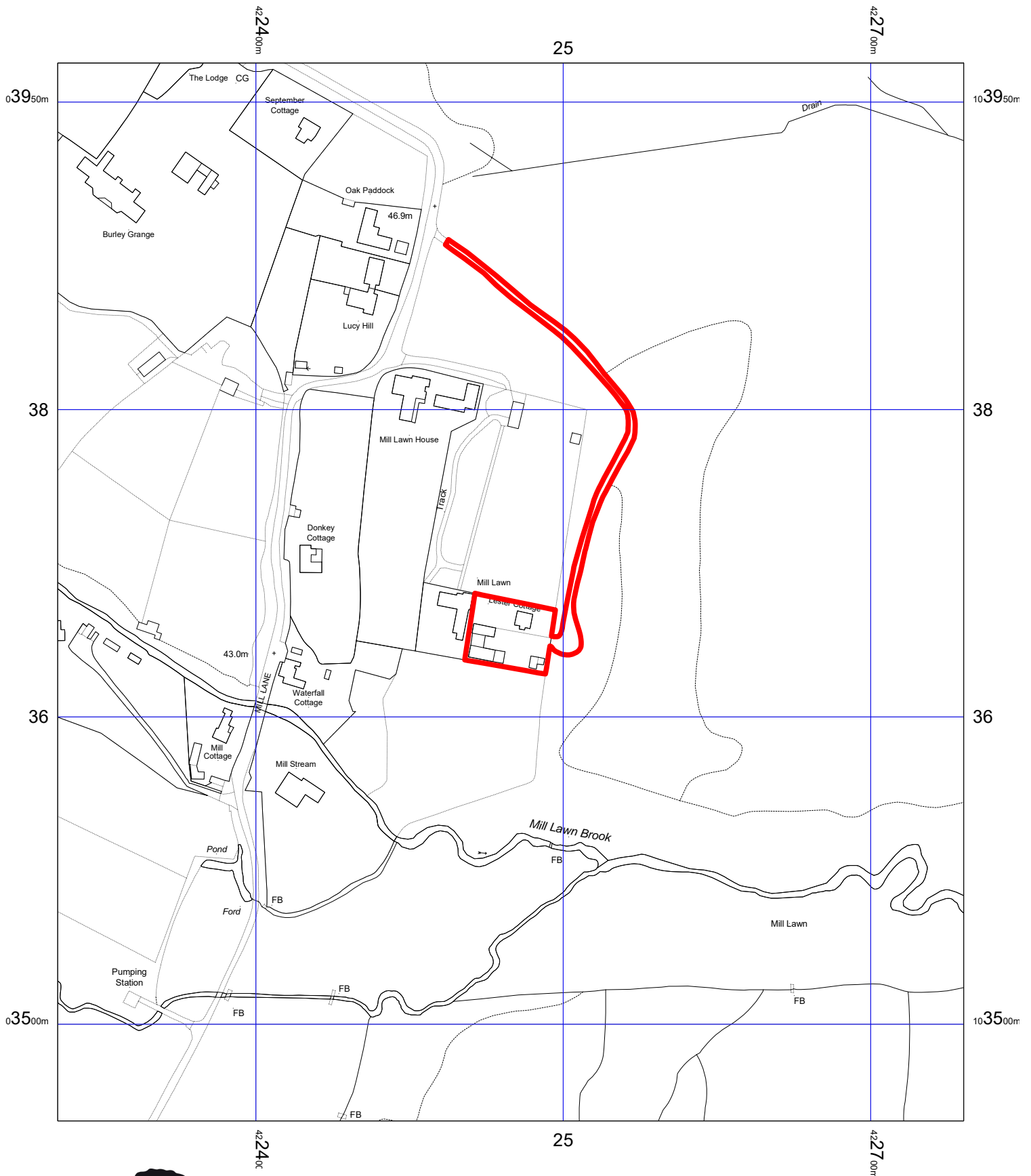
Refuse

### **Reason(s)**

- 1 The proposal would result in the loss of a traditional forest cottage which contributes positively to the historic character and appearance of the Burley Conservation Area. The cottage is considered to be a non-designated heritage asset and its loss would result in less than substantial harm with no overriding

public benefits thus failing to preserve or enhance the visual amenities of the locality. The proposal is therefore contrary to policies DP10, CP7 and CP8 of the New Forest National Park Core Strategy and Development Management Policies DPD (December 2010) and the National Planning Policy Framework.

- 2 The development would result in the encroachment of a domestic use outside of the residential curtilage of the site, for which there is no justification. The development would thus result in the gradual suburbanisation of the countryside to the detriment of the character of the Burley Conservation Area, the National Park and its special rural qualities. The proposal is therefore contrary to policies DP1, CP8 and DP10 of the New Forest National Park Core Strategy and Development Management Policies DPD, Design Guide SPD and the National Planning Policy Framework.



NEW FOREST  
NATIONAL PARK

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

Tel: 01590 646600 Fax: 01590 646666

Date: 27/12/2018

**Ref: 18/00809/FULL**

**Scale: 1:2500**

© Crown copyright and database rights 2018 Ordnance Survey 100014703

