



Mr C Cox  
Pegasus Planning Group Ltd  
First Floor, South Wing  
South Wing  
Equinox North  
Great Park Road, Almondsbury, Bristol  
BS32 4QL

Application Number: **16/01000**

15 February 2017

### **TOWN AND COUNTRY PLANNING ACT 1990**

Applicant: PegasusLife Ltd

Date of Application: 30 November 2016

**THE NEW FOREST NATIONAL PARK AUTHORITY** as the Local Planning Authority  
**REFUSES TO GRANT PLANNING PERMISSION** for the following development:

**Development**      **Creation of 74 age restricted residential units integrated with communal, wellness and support facilities; 12 no holiday lets; associated car and cycle parking; landscaping; refuse store; substation; alteration of existing vehicular and pedestrian access; demolition of existing hotel and buildings**

**Site**                      **Lyndhurst Park Hotel, 78 High Street, Lyndhurst, SO43 7NL**

This decision has been taken in respect of the following plans:

Drwgs: 1615-P001 Rev 01, 1615-P100 Rev 01, 1615-P101 Rev 01, 1615-P200 Rev 01, 1615-P201 Rev 01, 1615-P202 Rev 01, 1615-P203 Rev 01, 1615-P300 Rev 01, 1615-P301 Rev 01, 1615-P302 Rev 01, 1615-P303 Rev 01, 1615-P304 Rev 01, 1615-P305 Rev 01, 1615-P306 Rev 02, 1615-P010 Rev 01, LL516-050-0001, LL516-050-0006, LL516-050-0011, LL516-050-0012, LL516-050-0013, LL516-050-0041, LL516-050-0101, LL516-050-0102, LL516-050-0103.

#### **Reason(s) for refusal:**

1. The application site lies outside the boundary of the defined village of Lyndhurst where new development is restricted. The New Forest National Park Core Strategy and Development Management Policies DPD (December 2010) seeks to retain existing hotel and employment uses. New residential

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development is restricted to extensions, replacement dwellings or affordable housing, and the development of 74 self-contained apartments and 12 self-catering apartments with no provision at all for affordable housing, and which would also result in the loss of the existing hotel would be contrary to policies CP9, CP11 and CP12 of the New Forest National Park Core Strategy and Development Management Policies DPD (December 2010).

2. The existing building lies within the Lyndhurst Conservation Area. The submitted Heritage Assessment has not demonstrated to the satisfaction of the National Park Authority the historic significance of the existing building and its contribution to the Lyndhurst Conservation Area through careful analysis. In addition, no justification has been submitted to support its demolition through either detailed structural analysis, or consideration of alternative uses. Whilst its loss would result in less than substantial harm to the setting of adjoining listed buildings and the character and appearance of the conservation area, there would still be unacceptable harm of significance. The proposal would therefore be contrary to policies CP7, CP8 and DP6 of the New Forest National Park Core Strategy and Development Management Policies DPD (December 2010) and also Section 12 (paragraph 128) of the NPPF.
3. The proposed development, by virtue of its excessive scale, massing, layout, height and cumulative impact, would fail to respond to the context of the site, the character and appearance of the conservation area, and the wider landscape setting of the village and adjoining open forest. The density of development, lack of open space, loss of significant boundary screening and increased light pollution would significantly and adversely alter the existing character of the site and create a dominant form of development and overly urban environment which would be entirely at odds with the sensitive edge of the village site so close to the open forest and iconic Bolton's Bench. For these reasons it would be contrary to policies CP7, CP8, CP9, DP1 and DP6 of the New Forest National Park Core Strategy and Development Management Policies DPD (December 2010).
4. The application site lies in close proximity to internationally and nationally designated sites (SSSI, SPA, SAC, Ramsar) and it has not been demonstrated to the satisfaction of the National Park Authority, through adequate mitigation measures, that there would not be significant in-combination impacts on the ecological sensitivities of these areas. The proposal would therefore be contrary to policies CP1 and CP2 of the New Forest National Park Core Strategy and Development Management Policies DPD (December 2010) and Section 11 of the NPPF.
5. The proposed development, by virtue of its excessive scale, layout and lack of useable open space, would result in foreseeable undue pressure to fell or reduce protected trees of high public amenity value which would significantly

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harm the overall existing verdant character of the site. The proposal would therefore be contrary to policies CP2 and DP1 of the New Forest National Park Core Strategy and Development Management Policies DPD (December 2010).

6. The proposal does not incorporate sufficient car parking provision within the site clear of the highway with the result that it would be likely to encourage the parking of vehicles on the public highway which would interrupt the free flow of traffic to the detriment of highway safety. From the information submitted, it cannot therefore be shown that the development can be accommodated in a manner that would not cause increased danger and inconvenience to highway users. For these reasons the application would be contrary to policy CP19 of the New Forest National Park Core Strategy and Development Management Strategy DPD (December 2010).

#### **Notes to applicant:**

1. Important notes, including the rights of appeal, are set out on a sheet attached to this notice and you are advised to read these carefully.

#### **Informative(s):**

1. 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.

Date: 15 February 2017



Steve Avery  
Executive Director (Strategy & Planning)

## NOTES TO APPLICANTS / AGENTS

### Fees for discharge of planning conditions

- The fee chargeable in relation to submissions for any consent, agreement or approval required by a planning condition is £97 per request or £28 where the related permission was for extending or altering a dwelling house or other development in the curtilage of a dwelling house. **The fee is payable for each submission made regardless of the number of conditions you are seeking approval for.**
- A fee is payable for conditions related to planning permissions and reserved matter applications only. A fee is not required for conditions attached to listed building consents and conservation area consents.
- You may wish to use the standard form to accompany your submission or set out your requests in writing clearly identifying the relevant planning application and condition(s) which you seek approval for.

### Non Material Amendments

- Central Government has introduced a new application form for the submission of Non Material Amendments to approved plans. From 1 October 2009 all submissions must be on the correct application form. (Forms & guidance notes are available on the Authority's website [www.newforestnpa.gov.uk](http://www.newforestnpa.gov.uk)).
- The fee chargeable is £195 per request or £28 where the related permission was for extending or altering a dwelling house or other development in the curtilage of a dwelling house.

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## Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so:

within **12 weeks** of the date of this notice for minor commercial applications (typically only apply to an application to alter the shopfront of an A1, A2, A3, A4, or A5 property) **otherwise;** within **6 months** of the date of this notice for all other types of application.

If the application relates to a matter that is the subject of an enforcement investigation the Authority's Enforcement team will contact you again as different timescales are likely to be appropriate.

- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.
- If an enforcement notice has been served in the previous 2 years you will have only 28 days in which to lodge the appeal following the refusal. Equally, if an enforcement notice is served after the refusal it will truncate the period for lodging the appeal against the refusal of planning permission to 28 days after the enforcement notice has been served.

## Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

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