

Application No: 17/00826/FULL Full Application

Site: Stocks Cross House, Furzley Common Road, Bramshaw, Lyndhurst,
SO43 7JH

Proposal: Creation of access (close up existing); cattle grid

Applicant: Mr & Mrs C Toomer

Case Officer: Ann Braid

Parish: BRAMSHAW

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. DEVELOPMENT PLAN DESIGNATION

Conservation Area
Ramsar Site
Special Protection Area
Special Area of Conservation
Site of Special Scientific Interest

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

CP1 Nature Conservation Sites of International Importance
CP2 The Natural Environment
CP8 Local Distinctiveness
CP7 The Built Environment
DP1 General Development Principles
CP19 Access

4. SUPPLEMENTARY PLANNING GUIDANCE

Design Guide SPD

5. NATIONAL PLANNING POLICY FRAMEWORK

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

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Bramshaw Parish Council: Recommend permission; no significant detriment to parish or environment. Reasonable net gain on grazing.

8. CONSULTEES

- 8.1 Highway Authority (HCC): No objection subject to condition
- 8.2 Natural England: No objection subject to mitigation measures being carried out
- 8.3 Ecologist: No objection subject to securing details of the mitigation measures
- 8.4 Landscape Officer: Object
- 8.5 Verderers of the New Forest: Object
- 8.6 Forestry Commission: Advises that a licence will be required to cross the verge.

9. REPRESENTATIONS

- 9.1 Two letters of objection have been received:
 - The existing accesses are adequate and safer than the proposed
 - Danger to road users, from speeding traffic but also to walkers who use the grass to wait for traffic to pass
 - loss of grazing and SSSI
 - Poor security has been an issue while the house has been unoccupied, and previous owners had no such issues.

10. RELEVANT HISTORY

- 10.1 Creation of access (close up existing) (17/00070) refused on 30 March 2017.
- 10.2 Garage; shed (16/00260) granted on 19 July 2016.
- 10.3 Two storey extension; single storey extension with balcony; porch; alterations to fenestration (Application for a non-material amendment to planning permission 15/00699) no objection raised on 7 March 2016.
- 10.4 Two storey extension; single storey extension with balcony; porch; alterations to fenestration (15/00699) granted on 29 December 2015.
- 10.5 Alterations to form vehicular access and construction of cattle grid and pedestrian gate (21480) granted on 27 April 1982.

11. ASSESSMENT

- 11.1 Stocks Cross House is an unlisted building situated within the Forest Central (North) Conservation Area. It has been identified within the conservation area character appraisal as being of local historic and/or architectural interest. The house is prominently located on the junction of the cross roads of Furzley Lane and the B3079 and views of the west, east and north elevations are visible from the Conservation Area. It lies within a fairly large plot with mature vegetation on all boundaries. Beyond the western boundary of the site is a wide grass verge and the Highway Authority has been notified of the application as owner of this land. There are two existing vehicular accesses, with cattle grids, on to Furzley Lane to the north of the dwelling. It is noted that the land outside the cattle grids is not within the application site.
- 11.2 As well as its Conservation Area designation, the site is located within Landscape Character Area 22 of the adopted New Forest National Park Landscape Character Assessment. The Landscape type is given as Ancient Forest Farmlands. The verge to the west of the site is a designated Site of Special Scientific Interest and the land immediately to the north of the site (Stocks Cross Common) is also a SSSI as well as a designated Special Protection Area (SPA), Special Area for Conservation (SAC) and Ramsar site.
- 11.3 In March 2017, an application for a new tarmac access was refused for the following reasons.
- "The loss of the verge would have an adverse impact upon the character and appearance of the site, surrounding conservation area and wider landscape character of the New Forest National Park. The use of inappropriate surfacing would add a suburban feature within the rural context. The application is therefore contrary to Policies DP1, CP7 and CP8 of the adopted New Forest National Park Core Strategy and Development Management Policies DPD (December 2010), the Authority's Design Guide SPD (December 2011) and Sections 7, 11 and 12 of the 2012 National Planning Policy Framework.*
- No ecological information has been submitted to demonstrate that the access can be created without resulting in the net loss of designated land, and consequent harm to the special interest features for which the SSSI is notified. The development is therefore contrary to Policy CP2 of the New Forest National Park Core Strategy and Development Management Policies DPD (December 2010)."*
- 11.4 Consent is sought for a new access, from the B3079 to the west of the site. The development would comprise a new vehicular access with a five bar gate in the existing fence, and a cattle grid with a compacted permeable driveway crossing the verge and

leading through the garden to the front of the house. The two existing accesses at the side of the property would be stopped up and abandoned.

11.5 The issues to be assessed are:

- The visual impact of the proposed access;
- Implications for highway safety; and
- Impacts upon ecological interests, in particular, designated land.

11.6 The proposed access would alter the character of this part of Stocks Cross, and there is concern that this would erode the existing rural character of this part of the National Park. The openness of the grass verge would be compromised and an area of forest grazing reduced. The Forest Central (North) Conservation Area Appraisal notes (page 19):

"Specific features, of this character area include the occurrence of wide verges, especially in the vicinity of the main road and the triangular open areas in the centres of areas of settlement, such as in Brook, Brook Hill, Stocks Cross and Butchers Cross. These form important focal points within these linear, dispersed settlements and also help to create a feeling of spaciousness, which is in contrast to parts of the area with particularly restricted views out."

11.7 In addition to this, the Conservation Area appraisal indicates that this part of the Conservation Area is valuable for its open verges and traditional hedgerows. The development would therefore be contrary to Policies CP7 and CP8 as it would fail to preserve or enhance the character or appearance of the Conservation Area and would result in the erosion of local distinctive character.

11.8 The New Forest Landscape Character Assessment states, in relation to the Ancient Forest Farmlands, that key positive landscape attributes of the locality include wide grass verges, commons, wood pasture and lawns grazed by free-roaming livestock. The strategy for the management of the area is to protect positive landscape attributes and manage the landscape for their improvement where they are in poor condition (pages 114 to 121). The bellmouth splay where the proposed drive would meet the highway would result in a larger area of SSSI being lost and would increase the visual impact. The introduction of any disruptive element to the verge in this location would be a visual and physical intrusion in a most sensitive landscape. The proposal would therefore be contrary to Policy DP1 (b) of the Core Strategy in that it would not respect the natural environment or landscape character of this part of the National Park.

- 11.9 The Highway Officer has raised no objection to the application provided the proposed surface would be self-binding to prevent migration of material on to the highway. Well-compacted hoggin is considered to be suitable. A condition has been requested to ensure the existing accesses are stopped up and the verges reinstated.
- 11.10 Natural England has advised that it would have no objection to the proposal, provided the appropriate mitigation may be secured. Without such mitigation the proposal would have an adverse impact on the integrity of the following designated areas:
- the New Forest Special Area of Conservation (SAC);
 - the New Forest Special Protection Area (SPA); and
 - the New Forest Ramsar site.
- Furthermore, Natural England also advise that without the recommended mitigation, the proposal would damage or destroy the interest features for which the New Forest Site of Special Scientific Interest (SSSI) has been notified.
- 11.11 The necessary mitigation includes:
- The use of locally sourced hoggin for the new driveway;
 - Setting up a designated compound for storage etc. during works;
 - Restricting parking in the designated sites;
 - Providing a map to contractors to advise them of the extent of the designated site;
 - Translocating turf from the site of the new access to be planted on the existing access in order to secure a net gain; and
 - The remaining area of verge between the two accesses should be allowed to regenerate naturally.
- 11.12 It is not possible to meet all Natural England's requirements. The land over which the existing accesses pass lies outside the red line of the application site and is therefore not under the control of the applicant. This is the area which the application proposes to reinstate to provide compensatory designated land and forest grazing. The Authority would therefore have no powers to impose conditions relating to this land, and therefore there is no means of ensuring that the necessary mitigation measures are carried out. As the necessary conditions cannot be imposed, it must be concluded that Natural England's objection stands, as there would be a net loss of designated land.
- 11.13 The applicant's solicitors have investigated the ownership of the land over which it is proposed to construct the new access. The solicitors advised that notice should be served on Hampshire County Council as Highway Authority, as HCC had advised the solicitors that the area of verge in question was publicly

maintained highway. However, the Forestry Commission has stated that, although they do not comment on planning applications, they have records to show, notwithstanding the views of Hampshire County Council, that the land in question is Crown Land and it is unlikely that their consent would be granted for a licence to cross the verge. This is not to be taken as support or opposition to the proposal just a statement of their position.

11.14 The Verderers of the New Forest have raised a strong objection to the proposal, on the grounds of the loss of grazing and designated SSSI. They also comment that the closing of the existing access would not compensate for this loss as the quality of grazing on the verge where the accesses would be closed is wet and of inferior quality. They also object on the grounds of loss of visual amenity. The role of the Verderers is to protect and administer the New Forest's unique agricultural commoning practices, conserve its traditional landscape, wildlife and aesthetic character, including its flora and fauna, peacefulness, natural beauty and cultural heritage and safeguard a viable future for commoning upon which the foregoing depends. The loss of grazing land is consistently resisted by the Verderers as such land is a finite resource, and vulnerable to damage and development.

11.15 In support of the application the agent has submitted an ecological appraisal, a transport statement and a tree report. The applicant's agent writes in support that the new access would facilitate the stopping up of existing accesses, and this would improve the privacy and security of the property. The existing accesses would be restored in accordance with the submitted ecological appraisal. Overall the proposal would be an improvement to the locality. The agent has suggested conditions to secure the mitigation as required by Natural England, however as the areas that would be crucial to the success of the mitigation measures are outside the application site these conditions would fail the test of enforceability.

11.16 It is considered that these arguments do not outweigh the harm that would be caused by the proposed development to the special landscape qualities of the locality and its ecology. Furthermore, the specified compensatory measures cannot be made the subject of conditions that would ensure they are carried out.

12. RECOMMENDATION

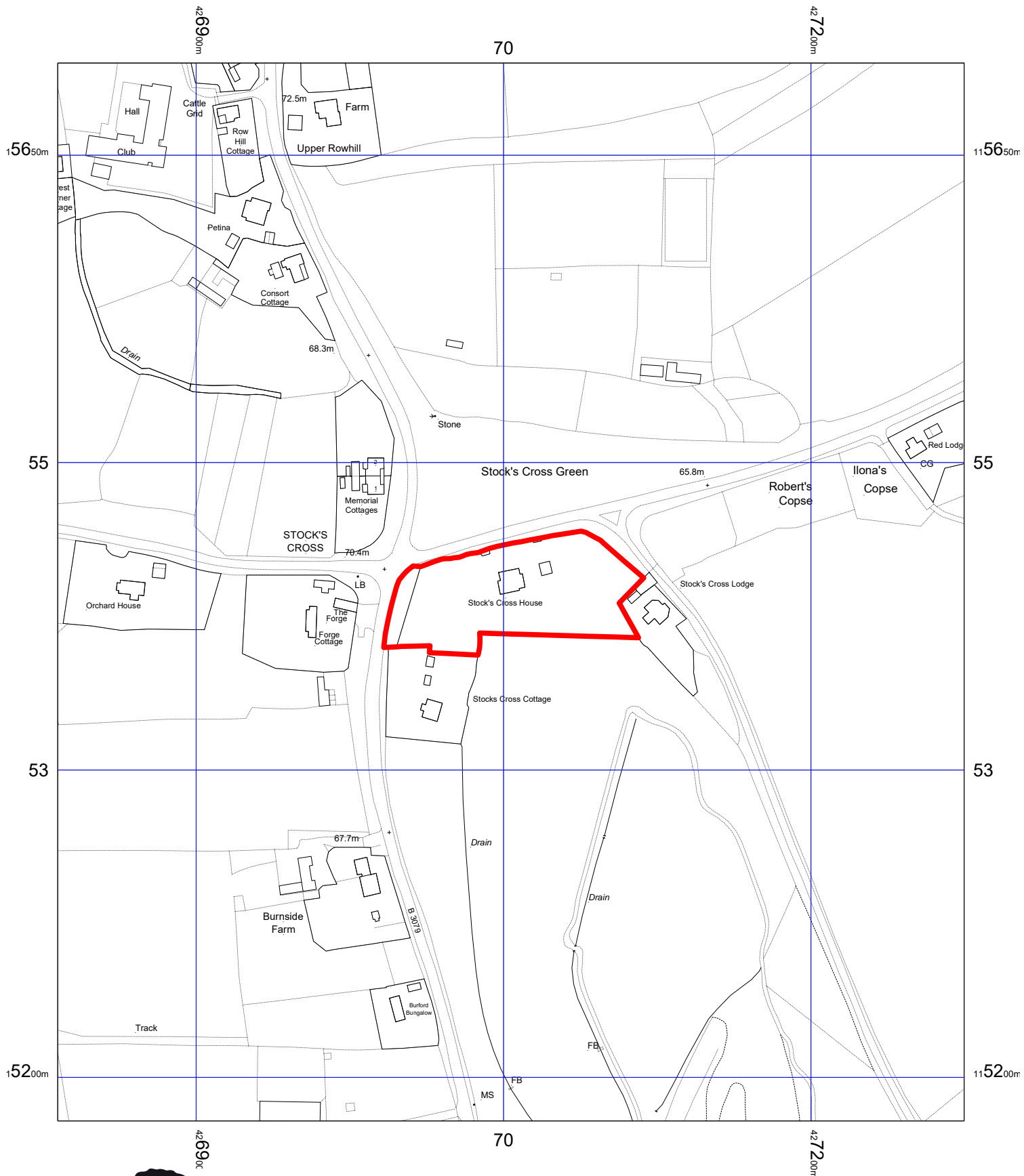
Refuse

Reason(s)

- 1 The loss of the verge would have an adverse impact upon the character and appearance of the site, surrounding Conservation Area and wider landscape character of the New Forest National

Park. The interruption to the open verge would erode the existing rural context. The application is therefore contrary to Policies DP1, CP7 and CP8 of the adopted New Forest National Park Core Strategy and Development Management Policies DPD (December 2010), the Authority's Design Guide SPD (December 2011) and Sections 7, 11 and 12 of the 2012 National Planning Policy Framework.

- 2 The proposed access would result in the net loss of designated land, and consequent harm to the special interest features for which the SSSI is notified. The development is therefore contrary to Policy CP2 of the New Forest National Park Core Strategy and Development Management Policies DPD (December 2010).



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