

**Application No: 20/00370/FULL Full Application**

**Site:** Hazelhurst Farm, Flexford Lane, Sway, Lymington, SO41 6DN

**Proposal:** Change of use from a mixed stables/tack room/workshop/agricultural use to use as a social/amenity room incidental to the existing holiday lets on site (use class C1)

**Applicant:** Mr Mirauer

**Case Officer:** Clare Ings

**Parish:** SWAY

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**1. REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council view

**2. DEVELOPMENT PLAN DESIGNATION**

No specific designation

**3. PRINCIPAL DEVELOPMENT PLAN POLICIES**

SP7 Landscape character  
SP42 Business and employment development  
SP46 Sustainable tourism development  
DP2 General development principles  
DP45 Extensions to non-residential buildings and uses

**4. SUPPLEMENTARY PLANNING GUIDANCE**

Sway Village Design Statement

**5. NATIONAL PLANNING POLICY FRAMEWORK**

Sec 6 - Building a strong, competitive economy  
Sec 15 - Conserving and enhancing the natural environment

**6. MEMBER COMMENTS**

None received

**7. PARISH COUNCIL COMMENTS**

Sway Parish Council: Recommend refusal for the reasons listed below:

- There is uncertainty as to whether this building is genuinely redundant.
- There is uncertainty as to the necessity of the proposed use, particularly given the range of possibilities advertised on the Hazelhurst Farm website, with no prospect of effective monitoring of its use and hence no enforcement.
- Increased traffic on Flexford Lane.
- Impact on neighbour amenity in terms of noise and diminished tranquility.
- The proposal does not form part of a farm diversification scheme and it would not help maintain the land-based economy or the cultural heritage of the National Park.
- Non-compliance with policies SP4, SP11, DP4, DP49, SP15, DP44 and paragraph 172 of the NPPF.

## **8. CONSULTEEES**

- 8.1 Environmental Protection (NFDC) No objection subject to conditions

## **9. REPRESENTATIONS**

- 9.1 11 representations received in support of the application commenting as follows:
- No noise issues as will only be used by people staying and using the existing facilities.
  - Good use of existing barn.
- 9.2 11 representations received objecting to the application for the following grounds:
- The use would be contrary to several policies of the Local Plan.
  - It would not deal with the whole site.
  - No change since the last application was refused and dismissed at appeal.
  - There is no evidence that the barn is redundant from agriculture.
  - No change to highway issues - increased traffic in Flexford Lane.
  - Noise and disturbance in the area would be increased.
  - It would be difficult to control activities to holiday lets only through condition.
  - It will become a commercial venture.
  - Intensification of existing small scale operation.
  - No full noise assessment has been carried out.

## **10. RELEVANT HISTORY**

- 10.1 Change of use of barn to D2 (assembly and leisure) with 17no. associated parking spaces (19/00487) refused on 22 August 2019. Subsequent appeal was dismissed on 19 December 2019
- 10.2 Determination as to whether Prior Approval is required for Proposed change of use of agricultural barn to D2 leisure and assembly (19/00145) refused on 2 May 2019
- 10.3 Subdivision of dwelling to create 1no. self-contained holiday let; alterations to fenestration; associated pedestrian access and parking (19/00032) refused on 20 March 2019
- 10.4 Determination as to whether Prior Approval is required for proposed Change of Use of office building (Use Class B1(a) ) to 2no. residential units (Use Class C3) (18/00755) no objection raised on 21 November 2018
- 10.5 Application for a Certificate of Lawful Development for Existing use of building "The Studio" as B1(a) office (18/00446) Certificate issued on 7 August 2018
- 10.6 Determination as to whether Prior Approval is required for proposed Change of Use of light industrial building (Use Class B1 (c)) and any land within its curtilage to dwellinghouse (Use Class C3) (18/00045) no objection raised on 27 March 2018
- 10.7 Creation of new access; driveway; drainage channel; gate; remove existing field gate (16/00334) refused on 29 June 2016
- 10.8 Application for Lawful Development Certificate for existing use of Orchard Cottage as a separate residential dwelling (14/00125) no objection raised on 12 May 2014
- 10.9 Single storey infill extension; external alterations; cladding (15/00577) granted on 7 May 2015

## **11. ASSESSMENT**

- 11.1 The wider site of Hazelhurst Farm lies on the south side of Flexford Lane, well away from the defined village boundary of Sway. It comprises a farmhouse set back well within the site, a mainly single storey complex of buildings in various uses (stables, garaging, offices, residential/ holiday lets) forming a courtyard to the front of the dwelling, again set back from the road, and other stabling elsewhere within the site. As part of the complex, and the subject of this application, is a slightly taller attached brick barn, with a projecting gable into the yard with a large opening. Opposite this opening is another large opening covered with timber doors. This barn has recently been re-roofed. The remainder of the ownership consists of large paddocks. The land

rises gently from Flexford Lane, and the boundary with that lane is formed by a well-kept native hedgerow. Flexford Lane itself is a narrow winding rural lane, with native hedging either side. A field gate lies (quite hidden) within the hedgerow bounding Hazelhurst Farm. There is also a lay by adjacent to the field boundary. The existing access to the complex is on the inside of a bend and has a number of trees in its vicinity.

11.2 The previous proposal for the change of use of the large barn to a Class D2 use (assembly and leisure) available for hire was refused and subsequently dismissed at appeal with the Inspector concluding that:

- The proposed business use would not accord with policies SP42 and DP48 of the Local Plan which seek to ensure that outside the defined village boundaries any small scale employment development seeks to maintain the land-based economy and the cultural heritage of the National Park;
- The proposed use would have an unacceptable impact on the countryside to the detriment of the National Park's special qualities including tranquillity due to the intensification of the use from additional people, traffic and noise; and
- It would have a harmful impact on the living conditions of nearby residential properties.

That use was for a number of activities such as:

- Private dining used in conjunction with the holiday let bookings seating up to a maximum of 40 guests;
- Equine courses and workshops where on site practical learning can be done as well as classroom learning;
- Yoga, mindfulness, meditation and other health and well-being courses;
- Farm to cookery courses; and
- Training and professional courses and conferences for up to 20 people, such as corporate away days;

and also included 17 associated parking spaces.

11.3 The current proposal seeks to address the above reasons for dismissing the appeal by restricting the use of the barn for purposes ancillary to the existing holiday lets and livery only. It is proposed to provide a communal leisure space for guests of the holiday lets for activities such as games, a pool table and space for reading and socialising. It would not be available for members of the public, and would not be used for organised events, workshops or other activities. The applicant's agent has also indicated a willingness to accept conditions which would control this use. It would therefore have similarities to the type of ancillary function/activities rooms frequently found on larger caravan and camping sites.

- 11.4 Therefore, with regard to the previous reasons for refusal (listed in paragraph 11.2 above), it is not considered that the proposed change would represent the introduction of a new business activity outside the defined villages. The "business" activity, such as the holiday lets and livery, already exists and, because the use of the barn would be restricted to those people/ residents already on site, it would be seen as an ancillary activity. Policies SP42 and SP43 have little relevance, as what is being proposed is not a new business activity.
- 11.5 However, Policies SP46 and DP49 would support the proposed use. Policy SP46 (sustainable tourism development) permits the small-scale development of visitor facilities outside the defined villages through the re-use of existing buildings, and Policy DP49 (re-use of buildings outside the defined villages) also supports the re-use of buildings where they are appropriate in scale and appearance, and capable of conversion without significant extension or conversion; they should also be structurally sound. It is considered that the re-use of this building would meet the criteria of those policies.
- 11.6 Similarly to the other reasons why the appeal was dismissed, the restriction of the use of the barn to "existing" residents would not significantly increase the intensification of activities at the site through increased numbers of people, traffic or noise. Conditions restricting the hours of use would also assist with controlling any potential for disturbance on neighbouring properties.
- 11.7 The application has received support and objection in almost equal measure; those objecting are still concerned that it would be a similar activity to that dismissed at the recent appeal. There is also reference from the objectors to the barn not being redundant from agriculture, and on that note, it is relevant to point out the decision relating to 19/00145 for determination as to whether Prior Approval was required for the proposed change of use of agricultural barn to D2 leisure and assembly which was effectively refused on 2 May 2019. At the time of that application, the barn was in use for a mix of stables/tack room/workshop and some agricultural use, and had the barn been considered to be solely in an agricultural use at that time, under Class R Part 3 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2017 its use for D2 would have been permitted development. Thus the agricultural use of the barn has already been considered to have been lost.
- 11.8 Permission is therefore recommended subject to conditions.

## 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 number: SK011 Rev A. 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 SP16, SP17, DP18 and DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).
  
- 3        No external lighting shall be installed on the site unless details of such proposals have been submitted to and approved in writing by the New Forest National Park Authority.  
  
Reason: To protect the amenities of the area in accordance with Policies DP2 and SP15 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).
  
- 4        The building the subject of this permission shall be used for as a recreational facility (social / amenity) building incidental to the on-site holiday lets and for no other purpose including any other use within Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification, without express planning permission first being obtained.  
  
Reason: To ensure the building remains in a use appropriate to its location within the countryside and to allow the Authority future control of the site and to comply with Policy DP2 of the adopted New Forest National Park Local Plan 2016-2036 (August 2019).
  
- 5        The building shall not be used for any private or public entertainment involving the use of amplified music, other than that played as recorded background music and the doors and windows of the building shall remain closed at all times unless needed for emergency use.  
  
Reason: To ensure the building remains in a use appropriate to

its location within the countryside and to allow the Authority future control of the site and to comply with Policy DP2 of the adopted New Forest National Park Local Plan 2016-2036 (August 2019).

- 6 The building shall be constructed / upgraded in accordance with the attenuation measures listed in noise report Ref: 10909-R01. The rating level of noise from the operation of the proposed development shall not exceed the background level (30dB LA90) in accordance with BS4142:2014+A1:2019.

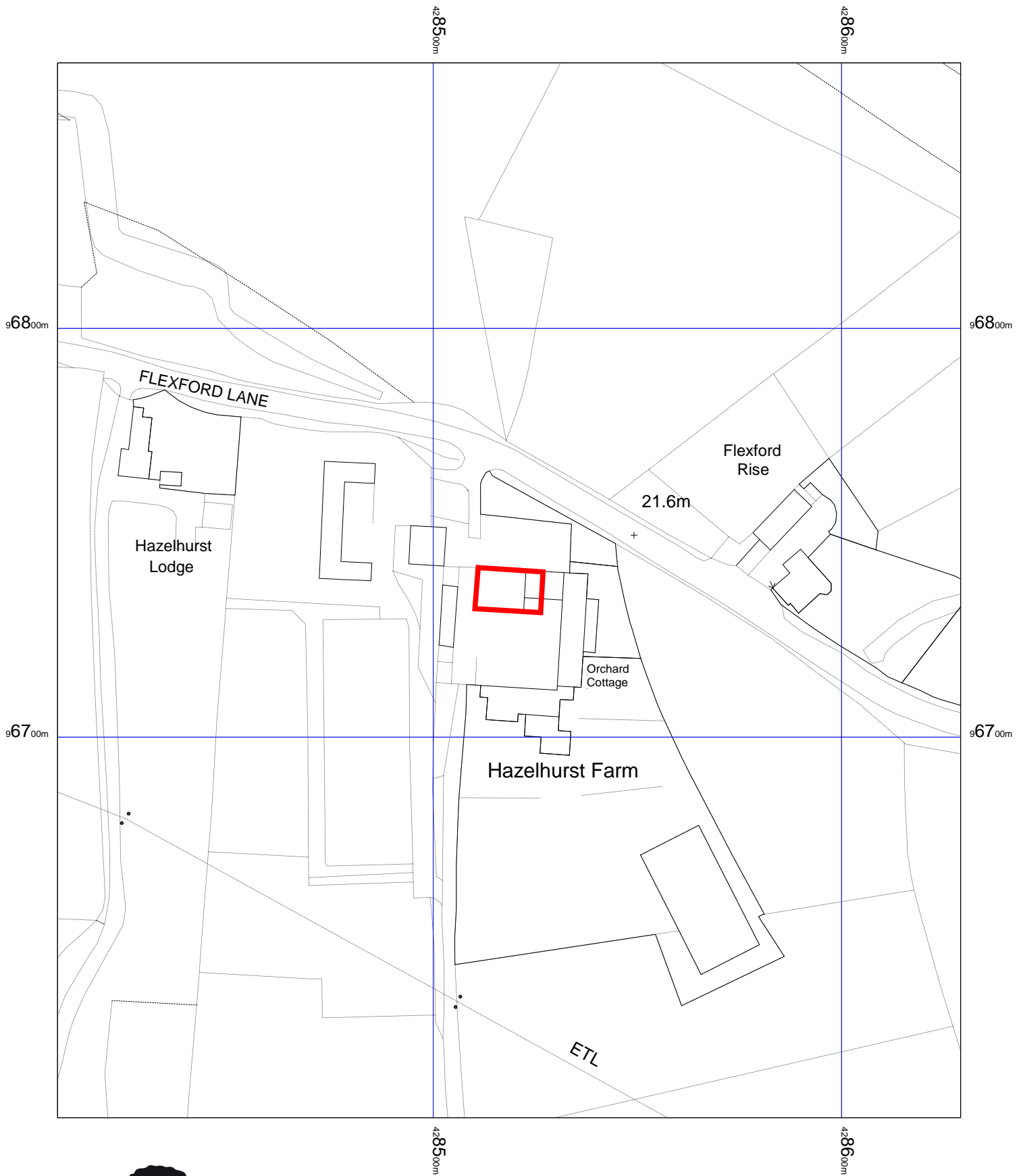
Reason: To ensure the building remains in a use appropriate to its location within the countryside and to allow the Authority future control of the site and to comply with Policy DP2 of the adopted New Forest National Park Local Plan 2016-2036 (August 2019).

- 7 The use hereby permitted shall only be open for the sole use of residents of the on-site holiday lets between the following times: Monday to Sunday between the hours of 08:00hrs and 21:00hrs. No usage shall be permitted at any time for the public, guests or any persons who are not residents of the on-site holiday lets.

Reason: To ensure the building remains in a use appropriate to its location within the countryside and to allow the Authority future control of the site and to comply with Policy DP2 of the adopted New Forest National Park Local Plan 2016-2036 (August 2019).

- 8 Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with the construction / upgrade of the building, including the use of any equipment or deliveries to the site, shall be carried out only between 0800 hours and 1800 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

Reason: In the interest of the amenity of the surrounding neighbouring properties in accordance with Policies DP2 and SP15 of the adopted New Forest National Park Local Plan 2016-2036 (August 2019).



NEW FOREST  
NATIONAL PARK

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