

Application No: 20/00627/VAR Variation / Removal of Condition

Site: Land At Former Arnewood Turkey Farm, Barrows Lane, Sway, Lymington, SO41 6DD

Proposal: Application to remove condition 4 of Planning Permission 19/00821 for Alterations to existing B8 building comprising: cladding to walls; replace roof covering to include 4 no rooflights; new steel roller shutter doors

Applicant: Mr Wallrock

Case Officer: Clare Ings

Parish: SWAY

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. DEVELOPMENT PLAN DESIGNATION

Conservation Area

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

DP2 General development principles

4. SUPPLEMENTARY PLANNING GUIDANCE

Sway Village Design Statement

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 15 - Conserving and enhancing the natural environment
Sec 16 - Conserving and enhancing the historic environment

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Sway Parish Council: Recommend refusal. No comments given.

8. CONSULTEES

No consultations required

9. REPRESENTATIONS

9.1 One letter of objection on the following grounds:

- The NFNPA were quite correct to impose conditions. Continued attempts to change the character and purpose of this site to something for which it was never intended have been tireless and should be discouraged
- The use of claddings and rooflights is to be discouraged as it significantly affects both the character of the buildings on site and then successively their proposed uses

10. RELEVANT HISTORY

10.1 Alterations to existing B8 building comprising: cladding to walls; replace roof covering to include 4 no rooflights; new steel roller shutter doors (19/00821) granted on 18 December 2019

10.2 Notification of proposed change of use of agricultural building (less than 150m²) to flexible use Class B8 (storage and distribution) (19/00003) details not required, decision issued on 11 February 2019

11. ASSESSMENT

11.1 The former Arnewood Court Turkey Farm (the wider site) lies to the west of Barrows Lane. It comprises a collection of barns, sheds and other structures in a mix of materials and varying states of repair (many now either undergoing repair or have recently been re-clad) lying either side of a central spine road. There are also other areas of hardstanding, and a parking area with a below ground waste treatment plant adjacent to Barrows Lane. To the west, the buildings are mainly residential. The site lies opposite the Sway Tower Conservation Area, in which and lying close to the application site, are several listed buildings.

11.2 This application relates to a single building - an open-sided barn - at the western end of the site which was recently the subject of a Prior Notification application for its use for storage and distribution, and also a further application to add cladding to the walls (green profiled cladding), replace the roof covering to include 8 rooflights, and to add steel roller shutter doors to each of the end elevations. Both applications have been favourably determined.

11.3 This application seeks to remove a condition imposed on 19/00821 (for the external materials), which read:

"The replacement building, the subject of this permission, shall

only be used for B8 (storage) uses unless otherwise approved in writing by the National Park Authority.

Reason: To ensure the buildings remain in uses appropriate to their location within the countryside and to allow the Authority future control of the site to comply with Policy DP2 of the adopted New Forest National Park Local Plan 2016-2036 (August 2019)."

This condition reflected the use applied for under application 19/00003.

- 11.4 The applicant has submitted this application as he considers that the imposition of the condition was not reasonable or necessary, failing to reflect the nature of application 19/00821 which was for external materials only (and not a replacement building). In addition, the applicant considers that its imposition would go against the Government's own intentions under Class R of the General Permitted Development Order which permits agricultural barns under 150m² to change to a variety of flexible uses which include Class B8, but also A1, A2, A3, B1, C1 and D2.
- 11.5 Application 19/00821 was for external changes only. Notwithstanding that the earlier application 19/00003 for the Prior Notification specifically sought the change of use for storage and distribution, when considered further against the tests for the imposition of conditions, the Authority accepts the case for removal of the condition.
- 11.6 It should be noted that the use of a building after a change of use permitted by Class R is to be regarded as a *sui generis* use. Therefore any changes not included in the list included in paragraph 11.4 above would require planning permission. This means that the Authority would retain some control over the future use of the building. The Use Classes Order has also recently been amended and, whilst transitional provisions will remain in place until 31 July 2021, new, revised permitted development rights are then anticipated to be introduced (the detail of which is not yet known).
- 11.7 The comments made by the objector to the proposal are noted but the external changes already have the benefit of permission.
- 11.8 The recommendation is that the relevant condition should therefore be removed.

12. RECOMMENDATION

Grant Subject to Conditions

Condition(s)

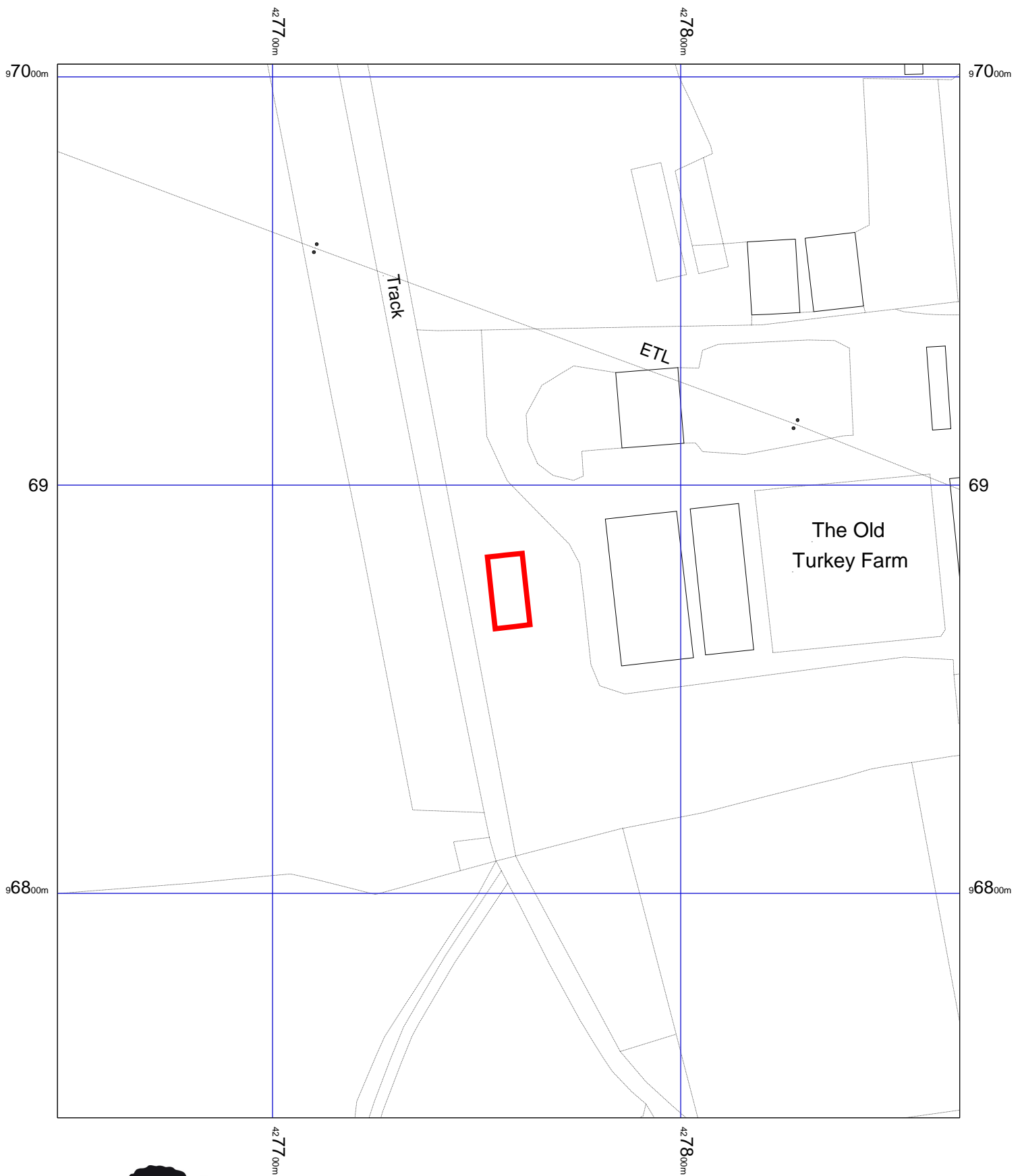
- 1 Development shall only be carried out in accordance with Drawing

numbers: 1 and 2019/10/02 (received 17/12/19 in respect of application 19/00821). 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).

- 2 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).



NEW FOREST
NATIONAL PARK

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