

Application No: 21/00802/FULL Full Application

Site: Thorney Down Farm, Black Lane, Thorney Hill, Bransgore, Christchurch, BH23 8EA

Proposal: Extension to existing outbuilding to facilitate conversion and continued use as self-contained annexe ancillary to the main dwelling

Applicant: Mr & Mrs Kitchen

Case Officer: Carly Cochrane

Parish: BRANSGORE

1. REASON FOR COMMITTEE CONSIDERATION

Referred by Ward Councillor.

2. DEVELOPMENT PLAN DESIGNATION

No specific designation

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

DP2 General development principles
DP18 Design principles
DP36 Extensions to dwellings
DP37 Outbuildings
SP17 Local distinctiveness
SP19 New residential development in the National Park

4. SUPPLEMENTARY PLANNING GUIDANCE

Not applicable

5. NATIONAL PLANNING POLICY FRAMEWORK

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

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Bransgore Parish Council: Recommend refusal. The extension represents

a significant increase in size of the existing outbuilding, and it is noted that it has been converted to provide ancillary accommodation. There is concern that it does not fit within Policy DP37, owing to the size and use and that it is not subservient to the main building. In addition, it is felt that it could be considered a new build, thus engaging Policy SP19.

8. CONSULTEES

No consultations required

9. REPRESENTATIONS

9.1 None received

10. RELEVANT HISTORY

10.1 Application for a Certificate of Lawful Development for Existing use of dwelling in breach of condition 2 (agricultural occupancy) of appeal reference APP/B1740/A/92/208875 of planning permission NFDC/92/49493 (15/00050) determined as lawful on 13 March 2015

10.2 Erect agricultural dwelling and double garage (NFDC/92/50263) refused on 11 November 1992

10.3 Erect agricultural dwelling and double garage (NFDC/92/49493) refused on 10 June 1992. Subsequent appeal allowed on 01 February 1993

11. ASSESSMENT

11.1 The application site is located to the north eastern side of Black Lane and comprises the main dwellinghouse with its garden area to the south, and a number of detached outbuildings, including agricultural buildings, a stables and a former garage (the subject of this application) to the north east. The property is accessed via a driveway to the south west of the dwellinghouse, which opens out onto a large area of hardstanding. The site is surrounded by agricultural land which is within the ownership of the applicants and used for grazing, and the land slopes west to east across the plot.

11.2 This application seeks planning permission for an extension to an outbuilding located to the north east of the dwellinghouse in order to facilitate its conversion and continued use as a two-bedroomed, self-contained ancillary annexe, for use by the applicant's mother. The works have been completed, and the application is therefore retrospective in nature.

11.3 By way of background, planning permission was granted on appeal in 1993 (NFDC/92/49493) for a permanent agricultural worker's dwelling and outbuilding, which followed on from a

temporary dwelling in the form of a mobile home which was also granted permission on appeal in 1990. Permitted development rights for extensions were removed as part of the permission and the Inspector noted that the proposed dwelling would have a floorspace of 151 square metres and three bedrooms, which was considered to provide 'reasonable and acceptable space standards' for an average family. The outbuilding (garage) granted as part of the permission contained two parking bays and had a footprint of approximately 36 square metres, and was not the subject of any restrictive condition regarding its use. An application to regularise the extension added in 2012 has also been submitted, and is currently being considered by the Authority.

- 11.4 The outbuilding the subject of this application was converted from an incidental garage use to ancillary accommodation at some point since its first construction and between the current owners acquiring the property in 2019, however, the exact date is unknown. In order to facilitate this conversion, two additional windows and two rooflights were added; all other alterations were internal. Since the occupation of the property by the applicants, the converted garage outbuilding has been extended and further habitable accommodation created at ground and first floor level. In terms of the additional floorspace created, approximately 90 square metres has been added, to give a total floorspace within the outbuilding of 123 square metres. The extension to the outbuilding would not comprise permitted development (due to it being located to the side of the main dwelling and not for an incidental use). The proposal is therefore subject to determination against the relevant policies of the Local Plan.
- 11.5 Policy DP37 of the Local Plan sets out that domestic outbuildings will be permitted where they:
- a) are proportionate and clearly subservient to the dwelling they are to serve in terms of their design, scale, size, height and massing;
 - b) are located within the residential curtilage of an existing dwelling;
 - c) are required for purposes incidental to the use of the main dwelling;
 - d) are not providing additional habitable accommodation; and
 - e) will not reduce private amenity space- including parking provision-around the dwelling to an unacceptable level.
- 11.6 Whilst it may be that the outbuilding is located within the residential curtilage and does not result in any significant reduction to the private amenity space or parking provision, when read as a whole now, the scale of the outbuilding, with a total floorspace of 28 sqm less than that within the main dwelling as originally approved in 1993 and 76 sqm less than the dwelling as it stands now having been extended, and with an eaves height

matching that of the main dwellinghouse, competes in scale. The pitched roof and gable end design of the extended part also exacerbates the scale, whereas the main dwelling has been designed with a hip so as to minimise the appearance of bulk. When viewed on the submitted site and block plans, and when viewing aerial imagery, the scale in comparison with the main dwellinghouse is considerable and does not appear sufficiently subservient, which is due to the 123 sqm floorspace. To put this in some context, the floorspace limitation of a small dwelling or any new dwelling is 100 sqm, and therefore the outbuilding provides more than what would be considered acceptable for new residential development in the National Park.

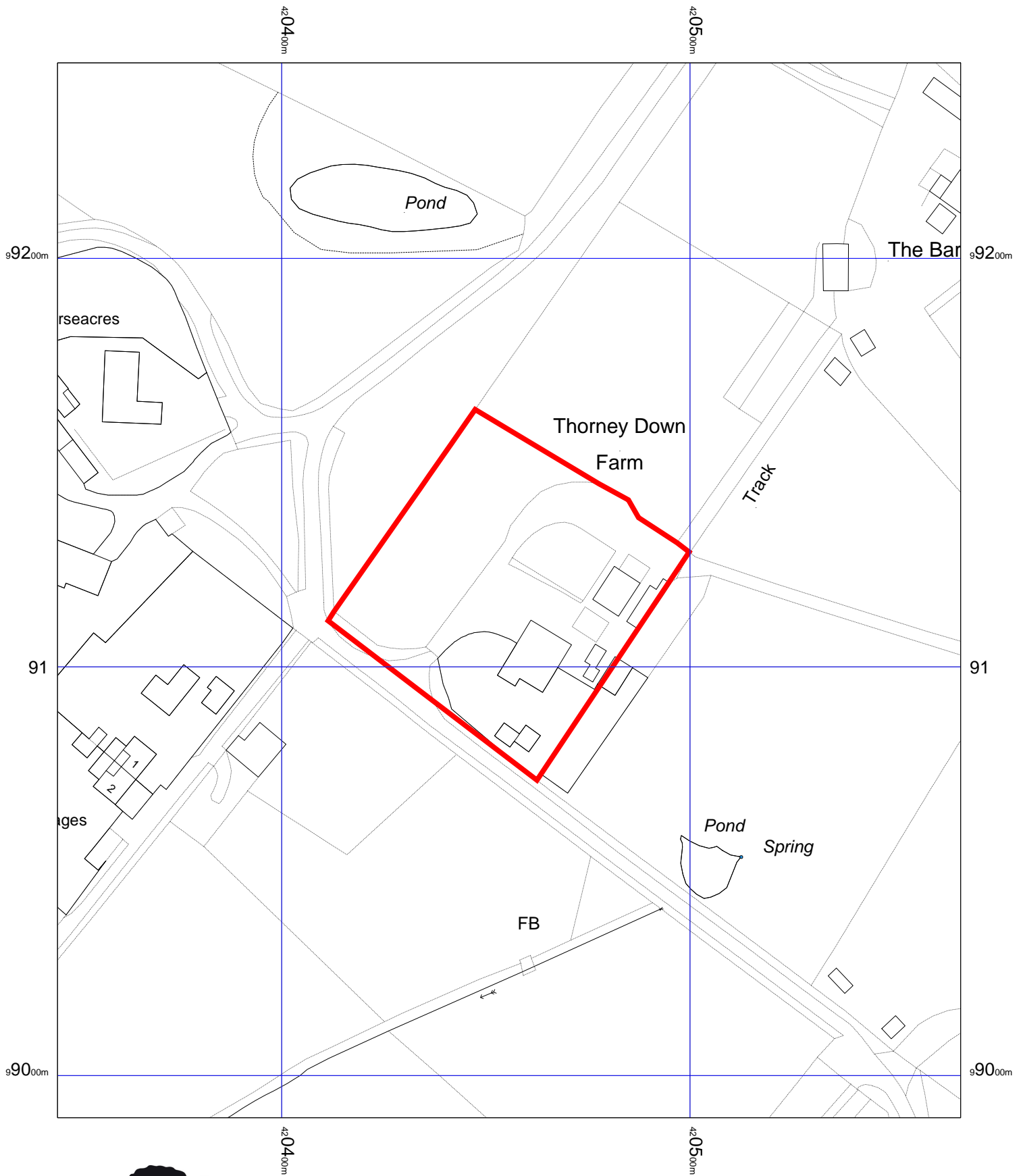
- 11.7 The submitted Planning, Design and Access Statement considers that the use of the building has already been established. However, the new extended part shall be assessed against all criteria of DP37 which sets out that outbuildings should not provide habitable accommodation and should be used only for purposes incidental to the main dwelling. Policy DP37 does not allow for any exceptional circumstances under which habitable accommodation can be permitted within outbuildings and, therefore, the use of the outbuilding as such is contrary to policy.
- 11.8 The applicant has submitted three appeal decisions relating to ancillary and habitable uses of outbuildings and a condition has been offered which would tie the accommodation to the main dwelling. However, the cases referenced do not alter the policy considerations or approach taken in respect of this type of application. Additionally, all policies have recently (2019) been the subject of review as part of the Local Plan examination, and no changes were made to the criteria of DP37 by the Inspectors.
- 11.9 Further, as the outbuilding provides self-contained accommodation in that it contains all the necessary facilities required for day-to-day living, the use of the outbuilding as such can be considered as tantamount to the provision of a new dwelling. Policy SP19 of the Local Plan sets out the circumstances where new residential development would be considered appropriate. As the site is not a housing allocation; does not benefit from an extant permission in relation to residential development; is not within a defined New Forest village; is not a rural exception site, and; is not providing housing for New Forest commoners or estate workers, and is not an agriculturally tied dwelling, the development fails to meet any of the relevant criteria of this policy. It could therefore be viewed as an unauthorised new dwelling within the countryside for which there is no justification. As such, the proposal is directly contrary to this policy.
- 11.10 For the above reasons, it is recommended that permission should be refused as the proposed development is contrary to Policies DP37 and SP19 of the adopted Local Plan.

12. RECOMMENDATION

Refuse

Reason(s)

- 1 The proposed development, for the extension to and use of an outbuilding as self-contained habitable accommodation would, due to its scale, appearance and self-contained nature, be tantamount to the creation of a new dwelling for which there is no justification. The proposal would be contrary to Policies DP37 and SP19 of adopted the New Forest National Park Local Plan 2016-2036 (August 2019) and the National Planning Policy Framework.



NEW FOREST
NATIONAL PARK

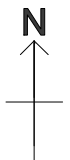
New Forest National Park Authority
Lymington Town Hall, Avenue Road,
Lymington, SO41 9ZG

Tel: 01590 646600 Fax: 01590 646666

Date: 05/12/2021

Ref: 21/00802

Scale: 1:1250



© Crown copyright and database rights 2021 Ordnance Survey 100014703