

Application No: 21/00900/FULL Full Application

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

Proposal: Single storey extension; porch

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. Concern was raised that the extension was over the 30% allowance and thus against DP36.

8. CONSULTEEES

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 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 permission for the erection of a single storey rear extension, and porch upon the side elevation. The rear extension spans the width of the rear elevation, which is 'L' shaped, and projects a maximum of four metres. All materials match those upon the main dwellinghouse. The development was completed circa 2012, and the application is therefore retrospective in nature.

11.3 By way of background, planning permission was granted at 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 at 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 with regard its use. The single storey extension the subject of this application was added in early 2012 and the porch the subject of this application was added between 2002 and 2005. The garage outbuilding has been extended and used for habitable accommodation, and an application is currently being considered by the Authority.

11.4 The property had an original floorspace of 151 sqm and is therefore not classed as a small dwelling (with a floorspace of 80sqm or less). The site is not located within a defined New Forest village, and as such it is subject to the additional 30% floorspace limitation of Policy DP36. It is calculated that the extension exceeds this limitation and represents a 32% increase in floor area. By assessing the dwellinghouse alone, the proposal is contrary to policy. Policy DP36 also sets out that, when calculating the 'proposed' floorspace of a dwelling, any habitable floorspace within a detached outbuilding will be included. The detached outbuilding (the subject of application reference 21/00802) has been significantly extended and converted to provide self-contained habitable accommodation. The total floorspace of this outbuilding amounts to 123 sqm. Cumulative with the floorspace within the main dwellinghouse, the total floorspace which has been added since the dwelling was first built amounts to 171 sqm, which is a 113% increase. The calculations submitted by the agent appear to accord with the limitation (when excluding the floorspace within the outbuilding). The submitted floor plans provide two figures for the first floor and the annotations mention a 'reduced head height', however, there is no indication as to what this height is and no cross section has been provided. Usually, the point at which floorspace is measured is from 1.5 metres and above. Therefore the larger figure, being 54 sqm, has been used in the first floor calculations. Even if the smaller figure of 38 sqm was used, the proposal would still significantly exceed the floorspace limitation by virtue of the habitable accommodation within the outbuilding. Therefore, the proposal does not accord with the floorspace limitation, and is in direct conflict with Policy DP36.

11.5 There are a number of additional considerations set out within the submitted Planning Statement which are considered by the agent to hold weight in the determination of this application, being:

- The extension was completed in good faith that it constituted permitted development;
- The extension falls within the limitations of permitted development; and
- The condition which removes permitted development rights is no longer required on the basis that the agricultural occupancy condition has been removed.

Each of these arguments is not accepted as set out in the following paragraphs.

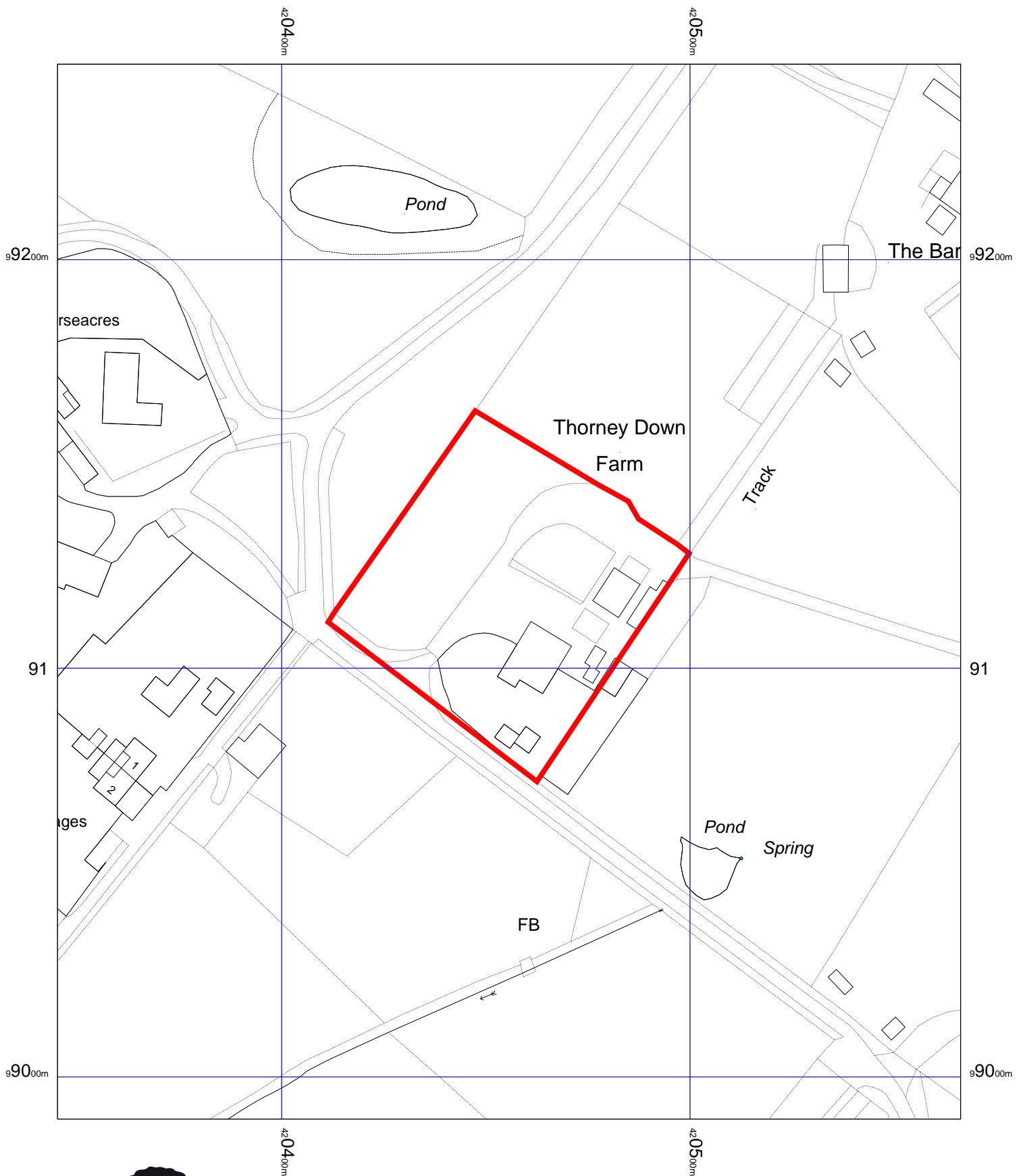
- 11.6 Whilst the previous owner undertook the rear extension in good faith that the development was permitted development, permitted development rights were in fact not intact as they had been removed as part of the original consent for the dwelling. A lawful development certificate to confirm that the works were permitted development was not submitted. Whilst the submission of a lawful development certificate is discretionary, the onus is on the applicant to ensure that an extension complies with the relevant limitations.
- 11.7 Whilst the submitted Planning Statement seeks to demonstrate that the extension does meet the limitations of permitted development, the General Permitted Development Order has undergone a number of amendments since 2012 and the 2008 iteration would have been relevant at the time. As with the current version, this sets out that on article 1(5) land (now 2(3) land including National Parks), development is not permitted if the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse. The dwelling was originally constructed with an 'L' shaped rear elevation and resultantly, there is a side elevation which existed and to which the extension is attached. Therefore, the extension would not have and does not constitute permitted development.
- 11.8 It is also put forward that the condition which removes permitted development rights could now be removed (subject to an application) on the basis that it is asserted that there is no longer a requirement to comply with the agricultural occupancy condition due to the issuing of the lawful development certificate. This is incorrect. The lawful development certificate only confirmed that, at the time of the submission of the application, the dwelling had been occupied in breach of the condition for the requisite period. No subsequent application was submitted or granted for the removal or variation of this condition, and therefore it is still very much in force, and could still be complied with. The current owners operate their business from the property; the compliance with the condition has not been tested and it is not appropriate to do so as part of this application. However, as this condition remains valid, so does the condition which removes permitted development rights.
- 11.9 Overall, and irrespective of whether the extension was believed to be permitted development at the time of its construction, the extension in combination with the detached outbuilding, amounts to a total habitable floorspace which significantly exceeds the 30% additional floorspace limitation of DP36. Whilst the design of the extension is considered acceptable, this is outweighed by the in-principle policy objection. It is therefore recommended that the application be refused.

12. RECOMMENDATION

Refuse

Reason(s)

- 1 In order to help safeguard the long term future of the countryside, the Local Planning Authority considers it important to resist the cumulative effect of significant enlargements being made to rural dwellings. Consequently Policy DP36 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019) seeks to limit the proportional increase in the size of such dwellings in the New Forest National Park, recognising the benefits this would have in minimising the impact of buildings and activity generally in the countryside and the ability to maintain a balance in the housing stock. This proposal, as a result of the additional habitable floorspace added both as part of the rear extension and that within the detached outbuilding, would result in an extension that would increase the floor space of the existing dwelling by more than 30% and, in so doing, would add to pressures for change and larger extensions in the countryside which, individually and cumulatively, would result in a gradual suburbanising effect and erode the National Park's special character. The proposal would therefore be contrary to Policies DP36 and SP17 of the New Forest National Park Local Plan 2016-2036 (2019) and the National Planning Policy Framework.



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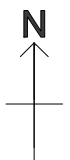
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