

**Application No: 21/00969/VAR Variation / Removal of Condition**

**Site:** Jan Ruis Nurseries, Shirley Holms Road, Boldre, Lymington, SO41 8NG

**Proposal:** Application to remove Condition 4 of planning permission 20/00437 for a toilet block to allow the retention of existing toilet block to be demolished

**Applicant:** Mr Ruis

**Case Officer:** Liz Marsden

**Parish:** BOLDRE

**1. REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council view

**2. DEVELOPMENT PLAN DESIGNATION**

No specific designation

**3. PRINCIPAL DEVELOPMENT PLAN POLICIES**

DP2 General development principles  
 DP18 Design principles  
 SP17 Local distinctiveness  
 DP50 Agricultural and forestry buildings

**4. SUPPLEMENTARY PLANNING GUIDANCE**

Boldre Parish Design Statement

**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**

Boldre Parish Council: Recommend refusal. See no reason why this condition should be removed.

## **8. CONSULTEES**

No consultations required

## **9. REPRESENTATIONS**

- 9.1 Three letters of objection from neighbouring properties on the following grounds:
- Any built form should be restricted to what is necessary and justified in the interests of the character and appearance of the area.
  - The retention of the existing toilet block would further add to the proliferation of buildings and cumulative impact on rural landscape to detriment of the wider setting of the National Park.
  - The site has already deteriorated visually.
  - Removal of condition would be contrary to policy.
  - The shed to be demolished is smaller and does not offset the scale of the building to be retained.
  - No justification supplied for retention - agricultural buildings should only be allowed where there is a demonstrated functional need for them.
  - The new toilet block will provide more than adequate facilities for existing workers, with capacity for future growth of the business.
  - Facilities to be provided in the retained building include an office which the previous application stated there was no requirement for.
  - The condition meets the tests and there is no reason for its removal.
  - The proposal will not result in any additional economic or employment benefit but will cause additional noise and disturbance.

## **10. RELEVANT HISTORY**

- 10.1 Toilet block (20/00437) granted on 01 September 2020
- 10.2 Change of use of land for the stationing of 20 containers; toilet block (19/00631) refused on 24 September 2019

## **11. ASSESSMENT**

- 11.1 The site is located to the north of Shirley Holms Road and comprises an area of around 1.1ha, which has been operating as a horticultural nursery since at least the 1980's. The frontage of the site, adjacent to the road, provides parking spaces, with the section behind being covered by large polytunnels. There are further polytunnels and other structures elsewhere on the site, the boundaries of which are lined with trees. To the north of the site there are open fields, regularly used for car boot sales at weekends.

- 11.2 The application seeks to remove the condition on the recent planning consent for a replacement toilet and shower block, requiring the removal of the existing toilet building. This is a solidly constructed breeze block structure which is comprised of two small rooms for use by horticultural workers, one of which contains a small kitchen area off which the toilets are located. The other room is used as storage/site office. Work has commenced on the new toilet block but, at the time of the site visit, not completed. An existing shed on the boundary of the site which currently houses the site electrics is to be demolished with the electrics to be relocated into the retained building.
- 11.3 The reason for the condition requiring the removal of the existing toilet block was to 'ensure an acceptable impact upon the character and appearance of the open countryside and the visual amenities of the area'.
- 11.4 The key consideration is whether the retention of the existing building would result in an adverse impact on the character and appearance of the area.
- 11.5 The existing building, the subject of the condition, is located between a block of polytunnels to the south and partially behind an agriculturally tied mobile home to the north. The nursery site extends some distance beyond the location of the building to the north and intervening structures and planting effectively ensure that it is not visible in the wider landscape. It is around 9m from the western boundary of the site, which is defined by a tall evergreen hedge and mature deciduous trees along its length. The height of the hedge is such that the building is not visible in views to the west of the site. To the east, the new toilet block, which is larger than the existing structure, is being constructed and will obscure any views from that direction and from the south the building is screened by the polytunnels.
- 11.6 In the light of the location of the building and the screening surrounding it, it cannot be said to be intrusive in the surrounding area and, whilst it is acknowledged that its retention, together with that of the new toilet block under construction, does result in an increase in the built form on the site, the modest scale (footprint of 20 square metres and maximum height of 2.2m) of the building is such that it is considered to be a negligible addition.
- 11.7 Policy DP50 states that permission will be granted for buildings required for agriculture or forestry purposes where there is a functional need for the building. The previous application determined that the new toilet block was appropriate to support the lawful use of the site and any future growth in horticultural activity. However, the new building only provides toilets and showers, whereas the building to be demolished, in addition to the two toilets, also contains a small kitchen area and an

office/storage area. The provision of a 'breakout' or rest area for workers is considered to be a functional need for the business and, in the absence of any other provision for such a facility on the site, it would be difficult to resist an application for a similar proposal on the site. Its use would be a sustainable and efficient use of resources and would potentially have less visual impact than an entirely new structure elsewhere on the site.

- 11.8 Conditions are subject to tests to demonstrate that they are necessary, relevant, enforceable, precise and reasonable in all other respects. In this case, the condition imposed on the previous application was appropriate in that it sought to ensure that the level of built form on the site was minimised to avoid the unnecessary proliferation of structures in this rural location. However, as set out above, given the unobtrusive location of the building, it is not considered that the reason that was provided for the condition, which was based on the visual impact of the proposal, was necessary or reasonable to the extent that it would be possible to sustain a refusal at appeal. In these circumstances and since the building would continue to be used in connection with the lawful business use of the site, the removal of the condition and the retention and works to the existing toilet block, is acceptable. As a Section 73 application results in a fresh permission, other relevant conditions would be reimposed.
- 11.9 The removal of condition 4 of application 20/00437 enabling the retention of the existing structure would result in an overall increase in built form on the site. However, it is considered that this increase would not result in an adverse impact on the character and appearance of the surrounding area and the proposal is therefore in accordance with Policies DP2, SP17, DP18 and DP50 of the New Forest National Park Local Plan 2016-2036.

## **12. RECOMMENDATION**

Grant Subject to Conditions

### **Condition(s)**

- 1 Development shall only be carried out in accordance with drawing numbers: DR2 (location plan); DR1 and drawing numbers: 002 and 003 of planning permission reference: 20/00437. No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority.

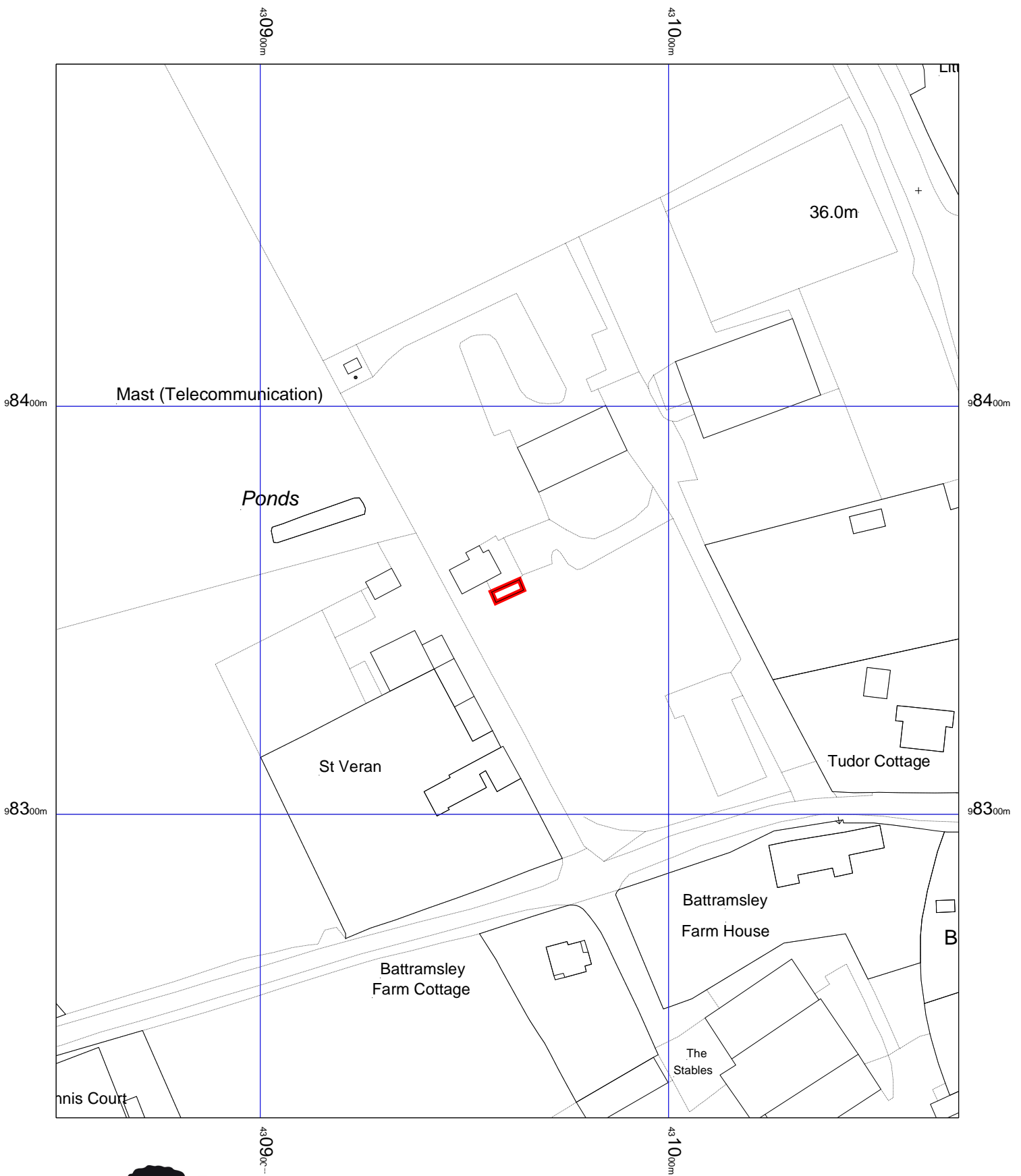
Reason: To ensure an acceptable appearance of the building in accordance with Policies SP16, SP17, DP18 and DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 2 Unless otherwise first agreed in writing by the New Forest National Park Authority, the external facing and roofing materials shall be as stated on the application form.

Reason: To ensure an acceptable appearance of the building in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 3 The building the subject of this permission shall only be used for agricultural/horticultural purposes and for no other commercial, business or storage purposes whatsoever. If in the future the building is no longer required for agricultural/horticultural purposes, it shall be demolished within three months of the cessation of the agricultural use and the land restored to its former condition.

Reason: The building is only justified on the basis that it is necessary for agriculture and in accordance with Policy DP50 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).



NEW FOREST  
NATIONAL PARK

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