

Application No: 22/00336/FULL Full Application

Site: Land Adjacent, Warren Copse, Woodgreen, SP6 2QY

Proposal: Commoners dwelling; barn; stables; pole barn; solar panels; manege

Applicant: Mr & Mrs Mansbridge

Case Officer: Ann Braid

Parish: WOODGREEN

1. REASON FOR COMMITTEE CONSIDERATION

All planning applications for commoner's dwellings are reported to the Planning Committee.

Contrary to Parish Council view.

2. DEVELOPMENT PLAN DESIGNATION

Conservation Area

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

SP1 Supporting sustainable development
SP5 Nature conservation sites of international importance
SP6 The natural environment
SP16 The historic and built environment
SP29 New Forest commoners' dwellings
DP2 General development principles
DP50 Agricultural and forestry buildings
DP52 Field shelters and stables
DP53 Maneges

4. SUPPLEMENTARY PLANNING GUIDANCE

Not applicable

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 5 - Delivering a sufficient supply of homes
Sec 12 - Achieving well-designed places
Sec 15 - Conserving and enhancing the natural environment

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Woodgreen Parish Council: Recommend refusal for the reasons listed below.

- Parish Council supports commoning within the New Forest however feel that such a large development is not suitable for this location.
- The top half of the field is highly visible from across the valley (particularly from Deadman's Corner) and would have a great impact on the landscape in an area which currently is open fields with no development. Feel that this development is an encroachment onto open Forest.

Hale Parish Council (adjoining parish): Recommend refusal as concerned with the overgrazing of Hale Purlieu. Further comments:

- DP2 - The proposed dwelling, associated outbuildings and manege are not appropriate in terms of massing and scale and constitute an overdevelopment of the site. The siting of the development enables it to be viewed from across the valley along Roger Penny way thus creating a visual intrusion.
- SP7 - The development will have a major impact on the landscape character of the area, again due to the massing and scale of the development and its large visual impact on the landscape.
- DP18 - The scale and setting of the development means that it is not "contextually appropriate" and does "harm key visual features, landscape setting and other valued components of the landscape."
- SP11 - The location of the development does not support the NPA's policy to mitigate climate change, particularly in respect to the reliance of car use in this location.
- SP5 and SP6 - The proposed development would be in close proximity to internationally and nationally designated sites (SSSI, SAC, SAC) and would impact negatively on these particularly in respect to local water sources and the possible increase in pollutants such a development would bring.
- SP15 - The proposed development is situated on a site in the north of the New Forest, this area has been identified as one of the most tranquil in the Forest, (determined by the amount of manmade noise and visual disturbance). This development will add both noise and light pollution to this "tranquil" area and thus impact on the "dark skies" status aimed for by the National Park Authority.

8. CONSULTEES

- 8.1 Tree Officer: No objection subject to condition
- 8.2 Highway Authority (HCC): No objection
- 8.3 The National Trust: None received
- 8.4 Planning Policy Officer: The applicant has responded appropriately to Natural England's consultation response

regarding water quality and impacts on the River Avon.

- 8.5 Natural England: Details of the proposed drainage scheme should be secured by condition and Natural England should be consulted on the details to ensure an appropriate solution to achieve nutrient neutrality.

9. REPRESENTATIONS

- 9.1 100 letters of support have been received. Of these, 50 offered support with no further comment. Other reasons for supporting the case include:

- Support for the future of commoning
- The applicants are genuine commoners
- Commoning is vital to the future of the New Forest
- The Commoners Dwellings Scheme should be supported
- The applicants breed New Forest ponies
- The applicant is a farrier
- There are no affordable houses for commoners
- The design of the dwelling is traditional
- The need for the dwelling outweighs the harm

The Commoners Defence Association fully support the application.

- 9.2 14 letters of objection have been received with the following concerns:

- Impact on the landscape, especially views from Deadman Hill
- Vulnerable site, impact on Hale Purlieu
- Damage to the access track
- Impacts on wildlife and ecology
- Pollution
- Not in keeping with the locality
- Proposed dwelling is too large
- The development would set a precedent
- Commoning needs can be met elsewhere
- Contrary to policies for the protection of the Forest
- Solar panels are unsightly
- The destruction would be irreversible.

- 9.3 Three letters making comments only:

- the location is not overlooked
- commoning maintains the lowland heath
- conditions are requested to control noisy uses, to agree materials and the maintenance of the track
- the site has historically be used for commoning
- the land across which the applicant has right of access is not

as shown on the plans, and a land registry document has been supplied.

10. RELEVANT HISTORY

10.1 None

11. ASSESSMENT

11.1 The site is a single 2.3 hectare field situated to the east of the settlement of Woodgreen, and is accessed by a gravel track which serves the properties in Warren Copse. The land slopes down from the track towards a stream which forms the eastern boundary of the site. To the north of the site is Hale Purlieu, to the north east lies the valley of Millersford Bottom and to the south east the land rises to the ridge, along which runs Roger Penny Way. Immediately to the south is a paddock, which is divided from the site by a fence and hedging. The site lies adjacent to the boundary of the Western Escarpment Conservation Area, and the access and a length of existing track lie within the conservation area.

11.2 The application is for a commoner's dwelling and associated barns, stables and a manege. The proposed dwelling would be located to the west of the site, with a barn, a pole barn, stables and a manege located to the north. Access to the site would be taken from the existing gravel track, and the remainder of the land would be left as paddock. The dwelling would be a two-storey red brick building under a slate roof and a garage with an office over and a utility room on the ground floor would be linked to the house by a covered way. The house would have an internal floor area of 100 square metres excluding the linked outbuilding. The enclosed barn would measure 24 metres by 10.5 metres with a ridge height of just under 6 metres and would be constructed in a steel frame clad in timber and a fibre cement roof. The pole barn would be an open fronted structure and would also be clad on three sides in timber with a fibre cement roof. It would measure 12 metres by 10.5 metres and just under 6 metres to the ridge. It is proposed to install arrays of solar panels on the barn roofs. The stable block would comprise three stables, with a tack room and workshop and would measure 18.5 metres long and 5.2 metres wide at the widest points. The stables themselves would measure 3.6 metres by 3.6 metres and the building would be 4.2 metres high to the ridge. The manege would measure 40 metres by 20 metres and would be surfaced in a grey mix of sand and fibre.

11.3 Issues to be assessed would include:

- The applicant's compliance with the eligibility criteria as required by the commoner's dwelling scheme;
- The scale and design of the dwelling;
- The extent and nature of the associated development

- The impact on neighbours, the wider New Forest landscape and the conservation area;
- The impact on trees and nature conservation interests in the area; and
- The siting of the manege and any re-grading of the land that would be required

11.4 New residential development is strictly controlled within the National Park under Policy SP19, the exceptions being agricultural or forestry workers dwellings, affordable housing, estate workers' housing and commoners' dwellings. Applications for commoners' dwellings are considered under Local Plan Policy SP29 and follow a three stage process. Stage One is the consideration of an applicant's eligibility by the Commoner's Dwelling Scheme Panel (CDSP) who provide an initial recommendation as to whether an applicant should be considered as an appropriate person to apply for planning permission under the Commoner's Dwelling Scheme (CDS). Stage Two is the determination of the planning application by the Authority, all elements for planning application being considered in the usual way, and Stage Three is the completion of various legal agreements, obligations, transfers and leasing arrangements.

Stage One

11.5 As part of Stage One, an applicant must demonstrate that they are a genuine commoner with an established recent history of commoning in terms of the number of stock depastured (a minimum of five ponies and/or cattle for at least seven years in their own right, or the same number of stock in their own right for at least five years, plus two years with their family), their needs for housing, demonstrating that commoning cannot be carried out from their current address and that they do not have access to another property from which to common. In addition, the land must have common rights of pasture, be a minimum of two acres and be owned by the applicant. The commoning history relates to stock (payment of marking fees), animal welfare and agister's references. The applicant also has to be financially capable of building the dwelling. The information relating to the commoning history is checked by the Verderers and the Commoners Defence Association are consulted. This is the information that the CDSP considers and upon which it makes a recommendation on the eligibility, or otherwise, of an applicant, as a candidate for the CDS. In these respects, the criteria of the CDS have been met, and the CDSP were therefore supportive of the proposed arrangements subject to safeguards being in place through legal agreements.

11.6 The applicants' family has been commoning for 300 years, and the applicant has been commoning since he was a child. The family currently turn out 17 ponies in the south of the Forest. There are currently two riding ponies, which are used when

checking stock and when rounding up animals in the drifts. New Forest ponies are also shown, to promote the breed. The applicants currently rent 17 acres, and the rental charges are unsustainable. House prices are too high to enable the applicants to buy a suitable property. Unless the applicants are able to establish another property for their commoning enterprise, there is a risk that they will need to cease commoning completely. Although the proposed site for the dwelling is in the north of the Forest, the applicants have advised that this need not be a problem as stock can, over time, be relocated which can be beneficial through the greater dispersal of the stock. The proposed dwelling would enable the applicants to care for their stock on the holding and their depastured ponies can also be checked. With regard to the associated buildings, it is accepted that some buildings will be required to house stock and agricultural machinery, and consideration has to be given to ensure that it is commensurate with the nature of the commoner's holding and activities. The applicant has advised that the steel framed barn would be used for machinery storage, farm equipment storage and an area allocated for mare foaling, for stock welfare and as a holding pen. The workshop, which forms part of the stable block, is to be used to securely store the equipment used by the applicant in his work as a farrier. The riding arena will be used to halter break and train semi-feral young stock and break in new forest ponies for riding and continue their training. It would be used as an all weather turnout area for new forest colts/stallion which cannot be turned out with other mares or geldings due to safety reasons.

- 11.7 Commoners' dwellings differ from other forms of affordable housing in so far that they are financed and built by the applicant (rather than a housing provider) and for this reason, the applicant has demonstrated to the satisfaction of the Panel how they propose to meet the costs of building the dwelling as part of the Stage One process. Furthermore, it is not always practical to locate new commoners' dwellings on sites in or adjoining villages. There are also other criteria which have to be met such as the applicant having to own the land and having access to sufficient back-up grazing for use in association with the commoning enterprise. Officers agree with the assessment of the CDS panel but it is open to Members to consider the applicants' eligibility as part of the wider planning application process.

Stage 2

- 11.8 This is the planning application stage, and has to be considered in the same way as any other application in terms of impact on the landscape, design, layout as well as impacts on the amenities of nearby dwellings, trees and the ecology of the National Park. The introduction of a commoner's dwelling and barns on this greenfield site would inevitably alter the appearance of the immediate area and would be visible within the wider landscape.

The visibility of the proposed development and its impact in the landscape is the principal objection raised in the representations, particularly the view from Deadman Hill, where there is a car park on the north side of Roger Penny Way. The impact has been assessed in both near and wider views, including the impact on views into the dispersed settlement within character area K of the Western Escarpment Conservation Area. From the direction of Deadman Hill, the development would be set against a wooded hillside. Whilst the new dwelling and associated buildings would be visible in the landscape, the character of the development would be that of a small farm holding, typical of commoners' holdings on the forest. The character of the development is not considered inappropriate to the rural locality or to the wider Forest. The choice of sites open to the applicant, and affordable for them, is extremely constrained. The chosen site complies with the requirements of the CDS in terms of its area, it is in the ownership of the applicant and has the necessary rights. The requirements mean that all sites for proposed commoners' dwellings are likely to be scarce and similarly sensitive, and a judgement needs to be made as to whether the benefits for commoning and therefore for the unique cultural heritage of the New Forest outweigh the harm perceived in this case.

- 11.9 The dwelling would measure 100 square metres, the appropriate size for a commoner's dwelling, and would be constructed of red brick under a slate roof. The ridge height of the main house would be 8 metres and that of the garage would be 5.5 metres. With regard to design, the dwelling would resemble a forest cottage with a traditional-looking porch, and it would face west towards the wooded slope and the access track. The design, scale and overall appearance of the dwelling would be acceptable, materials would be a traditional mix, and all windows would be timber-framed. A condition would need to be attached which would ensure that the attached outbuilding, the farm office and utility room are not used as habitable accommodation. Subject to this, the floor area of the dwelling is considered to be compliant with the floor area limitations of Policy SP29 and design advice set out in the Design Guide SPD.
- 11.10 In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an appropriate assessment has been carried out as to whether granting planning permission would adversely affect the integrity of the New Forest European site, in view of its conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect on designated European sites without mitigation. The site lies within the catchment area of the River Avon. With regard to impacts on Water Quality Natural England has advised that development within the catchment of the River Avon should be 'phosphate neutral' to avoid impacts on the integrity of the River Avon's Natura 2000 designations. Excessive nutrients (principally

phosphates) in the River Avon and are causing eutrophication, leading to an increase in algae growth. This has an adverse impact on the habitats and species within the designated European nature conservation sites in the River Avon to which the Habitat Regulations apply. In order to achieve phosphate neutrality, the applicant has proposed the use of a package treatment plant (PTP), and this has been assessed by Natural England. Whilst the principle of the PTP is acceptable, the details of the chosen package will need to be agreed, and Natural England has offered advice in this regard. A planning condition will need to be attached to the consent to agree measures that would ensure nutrient neutrality. These measures will need to be in place prior to the occupation of the dwelling.

- 11.11 In relation to other impacts on ecology, an ecological report has been submitted which sets out the proposed mitigation and enhancements as well as a Construction Environmental Management Plan. The recommendations of this report may be secured by condition.
- 11.12 The agricultural barns are considered appropriate in this rural area. The scale and extent of the buildings and their design and materials would be appropriate, representing a simple unfussy and practical solution. The use of metal sheeting is a cost effective and robust solution in this instance. Their ridge height is proposed to be lower than that of the house and they would be set against the wooded slope. The stables would have a floor area of 56 square metres including the tack room and the attached workshop would add another 17 square metres. The chosen materials for this building would be appropriate and the scale of the building and its location against the trees would comply with the recommendations of Local Plan Policy DP52 and the Guidelines for Horse-related Development SPD. The manege is of the recommended dimensions set out in the SPD and would be used for the welfare and training of the applicants' Forest stock. The materials for the manege surface (grey sand and fibre) and timber post-and rail fencing are also considered appropriate. Although the site slopes gently, the manege has been sited in the location where the least re-grading of land will be required. The manege has been designed to be compliant with Policy DP53 and the advice in the SPD.
- 11.13 With regard to neighbour amenity, there are a number of houses located to the west of the site, set a minimum of over 80m away from the boundary, and screened by wide belts of mature trees. The proposal would not therefore have any direct impact on the residential amenities of the occupants of the properties through loss of light, outlook or privacy. There is some potential for increased traffic along the access to cause some noise and disturbance together with larger vehicles/trailers. The applicants do not intend to enlarge their commoning enterprise which is manageable at its current level as they only breed a small number

of ponies. Given the relatively modest scale of the commoning enterprise, it is not considered the additional traffic generated would have such a significant impact as to sustain a refusal on this basis, particularly as it is apparent that the access track is already in use by vehicles to access the site and adjacent fields.

- 11.14 The western boundary of the property is situated in the designated conservation area and the trees close to the site are therefore a constraint to the proposed development. An arboricultural report has been submitted. The proposed dwelling would be sited sufficiently far from the tree root protection areas as to have no adverse impact. The outbuildings would marginally encroach into the root protection areas of several trees, however the extent of encroachment is considered by the tree officers to be minor and of no consequence to the long term retention of the trees, providing the submitted arboricultural information is adhered to. This may be secured by condition.

Stage 3

- 11.15 Under the commoners' dwellings scheme it is a requirement that the applicant enters into a S106 agreement to ensure that the dwelling would remain available for commoners in perpetuity. Should the Authority be minded to approve the application, the third stage of the process requires the completion of a detailed legal agreement to ensure that the dwelling remains in use for commoning in perpetuity. Through this agreement, the applicant is required to transfer the freehold interest of the site on which the dwelling is to be built to the Authority. The Authority then divides the site into grazing and building land. The building land is conveyed back to the applicant with covenants restricting the use of the dwelling and land to commoning. The grazing land is then leased back to the commoner at a peppercorn rent.
- 11.16 The applicant is aware of these requirements and would be content to enter a legal agreement as so described above.

12. RECOMMENDATION

Subject to the prior completion of a section 106 agreement, the Executive Director of Strategy & Planning be authorised to grant planning permission subject to the following conditions:

- 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 numbers:
- man sht 1 Rev A, man sht 2 Rev A, man sht 3 Rev C, man sht 4 Rev x, man sht 5 Rev x, man sht 6 Rev x, man sht 7 Rev C, man sht 8 Rev C and man sht 9 Rev x. 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 development shall take place above slab level until samples or exact details of the facing and roofing materials for the house and associated buildings have been submitted to and approved in writing by the New Forest National Park Authority.
- Development shall only be carried out in accordance with the details approved.
- Reason: To ensure an acceptable appearance of the development in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).
- 4 No windows or doors shall be installed until typical joinery details for the new windows and doors have been submitted to, and approved in writing by the New Forest National Park Authority.
- Development shall only take place in accordance with those details which have been approved.
- Reason: To protect the character of the building in accordance with Policies DP2, DP18 and SP17 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).
- 5 Prior to the commencement of development a scheme of landscaping of the site shall be submitted to and approved in writing by the New Forest National Park Authority. This scheme shall include :
- (a) the existing trees and shrubs which have been agreed to be retained;
 - (b) a specification for new planting (species, size, spacing and location);
 - (c) areas for hard surfacing and the materials to be used;
 - (d) other means of enclosure;
 - (e) a method and programme for its implementation and the means to provide for its future maintenance.

No development shall take place unless these details have been approved and then only in accordance with those details.

Reason: To ensure that the development takes place in an appropriate way and to comply with Policy DP2 of the New Forest National Park Local Plan 2016-2036 (August 2019).

- 6 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the National Park Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 7 The dwelling hereby permitted shall not be occupied until the barns hatched green on the approved plan have been completed.

Reason: The dwelling and barns together are only justified on the basis that they are necessary to provide accommodation for a commoner and to enable the practice of commoning to be successfully undertaken in accordance with Policies SP29 and DP50 of the New Forest National Park Local Plan 2016-2036 (August 2019)

- 8 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 SP17 of the New Forest National Park Local Plan 2016-2036 (August 2019)

- 9 The occupation of the dwelling shall be limited to a New Forest commoner eligible under the Commoners Dwelling Scheme, and any resident dependants.

Reason: The dwelling is only justified on the basis that it is necessary to provide accommodation for a commoner in accordance with Policy SP29 of the New Forest National Park Local Plan 2016-2036 (August 2019). The proposal would otherwise be contrary to policy SP19 of the New Forest National Park Local Plan 2016-2036 (August 2019)

- 10 The trees on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted MJC Tree Services Tree Survey, Arboricultural Impact Assessment, Tree Protection Plan & Arboricultural Method Statement (ref- MJC-22-0109) while in accordance with the recommendations as set out in BS5837:2012.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area, in accordance with Policies DP2 and SP6 of the New Forest National Park Local Plan 2016-2036 (August 2019)

- 11 The dwelling shall not be occupied until proposals for the mitigation or offsetting of the impact of phosphorus arising from the development on the River Avon Special Area of Conservation (SAC), including mechanisms to secure the timely implementation of the proposed approach, have been submitted to and approved in writing by the New Forest National Park Authority. Such proposals must:

- Provide for mitigation in accordance with the Authority's Interim Mitigation Strategy (or any amendment to or replacement for this document in force at the time), or for mitigation to at least an equivalent effect;
- Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing monitoring of any such proposals which form part of the proposed mitigation measures.
- The development shall be carried out in accordance with and subject to the approved proposals.

Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that there will be no adverse impacts on the River Avon Special Area of Conservation (SAC), in accordance with the Authority's Interim Phosphorus Mitigation Strategy.

- 12 Unless otherwise agreed in writing by the National Park Authority, development shall only take place in accordance with the recommendations for ecological mitigation and enhancement, as well as the Construction Environmental Management Plan, which are contained in the ecological report by ABR Ecology dated 20 April 2022 hereby approved. The specified measures shall be implemented and retained at the site in perpetuity.

Reason: To safeguard the ecology of the locality and protected species in accordance with Policies DP2 and SP6 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 13 The barns hereby permitted shall only be used for agricultural / commoning purposes and for no other commercial, business or storage purposes whatsoever.

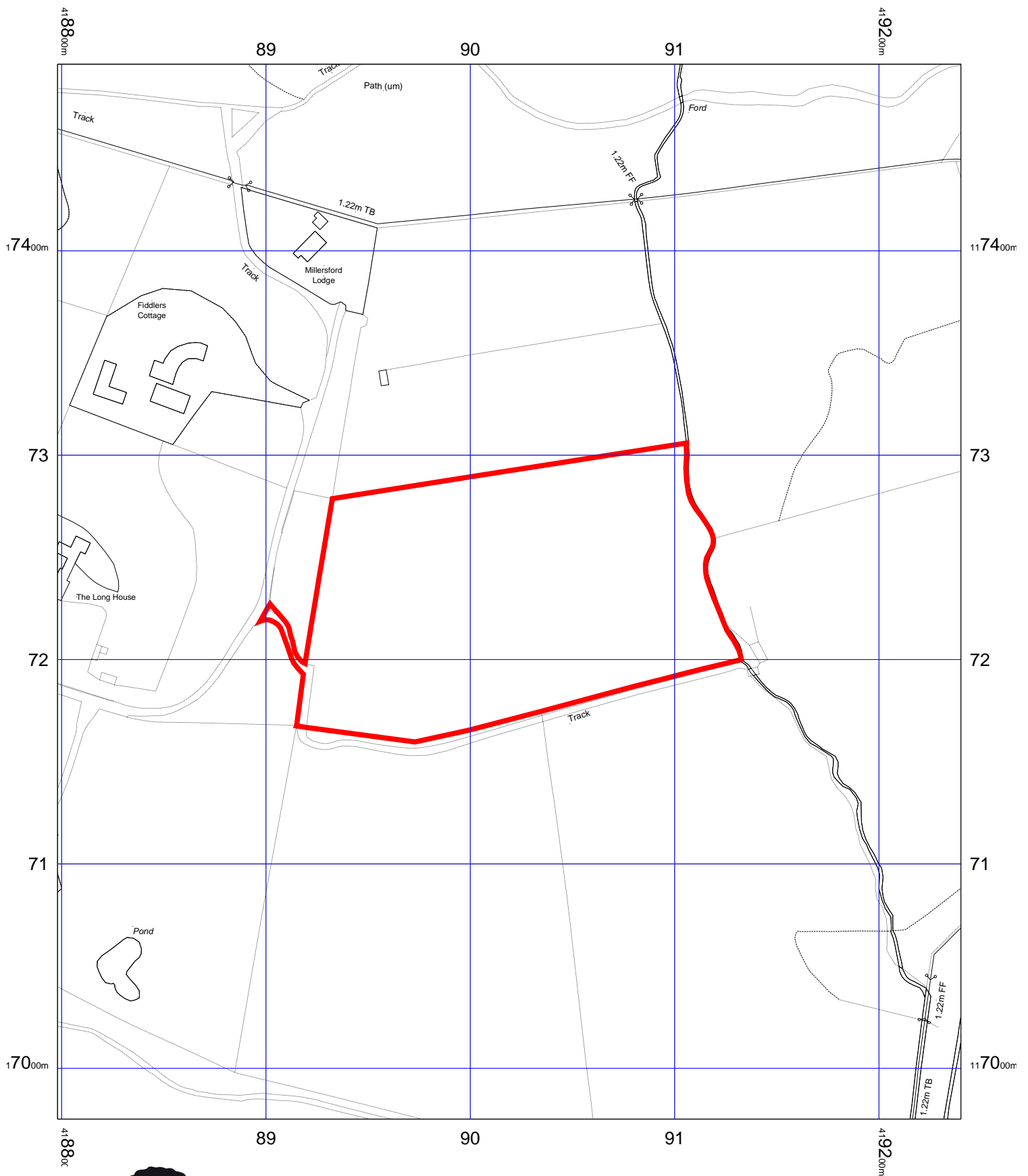
Reason: The building is only justified on the basis that it is necessary for agriculture / commoning and in accordance with Policy DP20 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 14 All materials, machinery and any resultant waste materials or spoil shall be stored within the red line application site unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of protecting the locally distinctive character of the Western Escarpment Conservation Area in accordance with Policy SP16 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).as well as the Western Escarpment Conservation Area Management Plan.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) England Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, shall be erected or carried out without express planning permission first having been granted.

Reason: To ensure the dwelling remains of a size which is appropriate to its location within the countryside and to comply with Policy SP29 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).



NEW FOREST
NATIONAL PARK

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

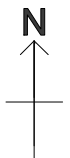
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Date: 02/09/2022

Ref: 22/00336

Scale: 1:2500

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Application No: 22/00383/FULL Full Application

Site: Clubhouse, Strawberry Fields, East Boldre, Hampshire, SO42 7PD

Proposal: Replacement building; removal of fire damaged remains of existing building

Applicant: Beaulieu Settled Estates

Case Officer: Liz Marsden

Parish: EAST 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

SP39 Local community facilities

SP17 Local distinctiveness

DP18 Design principles

4. SUPPLEMENTARY PLANNING GUIDANCE

Design Guide SPD

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

East Boldre Parish Council: Two parts:

- i. For removal of damaged remains of existing building: Recommend permission for the reasons listed below, but would accept the decision reached by the National Park Authority's Officers under

their delegated powers. The site presents a high health and safety risk and should be demolished as a matter of urgency.

- ii. For the replacement building application: Recommend refusal. Originally the Legion Building fell into disuse – the village has other adequate provision for public meeting places and we seek further consultation on intended use of the site.

8. CONSULTEEES

No consultations required

9. REPRESENTATIONS

9.1 None received

10. RELEVANT HISTORY

- 10.1 Single storey extension (03/78199) granted on 07 July 2003
- 10.2 Enclosure of veranda to form entrance hall (01/71559) granted on 22 June 2001
- 10.3 12 dwellings, car ports, British Legion building and new access (94/54674) granted on 13 March 1995

11. ASSESSMENT

- 11.1 The application site is an area of around 0.24ha located off Strawberry Fields, a cul-de-sac leading to a development of 12 houses to the north. The houses are separated from the site by open grassed areas to either side of the road and there is a further field to the south, extending from the site to the junction of Strawberry Fields and Cripplegate Lane. The former club building was set towards the rear of the site and the remains of the building, which was extensively damaged by fire in 2021, are still in place, with wire mesh having been erected around it. It is not within the conservation area, but located adjacent to it.
- 11.2 The proposal is to demolish the remains of the damaged structure (which requires planning permission due to its size) and replace it with a new building in the same location and of the same design and dimensions. There can be no objection to the removal of the existing building, which is an eyesore and potentially hazardous, and therefore the key consideration is whether there have been any material changes to circumstances or policy that would result in the building and its use being inappropriate in this location.
- 11.3 The site is located in the open countryside where new development is strictly controlled in order to conserve and enhance the special qualities of the National Park. Amongst the form of development that is allowed is, under Policy SP39, the

development of essential local community facilities, where the proposal is of clear and direct benefit to the local village or rural community. In this case the proposal is not for the introduction of a new community facility, but the replacement of a former facility and would therefore amount to the retention of an existing community facility which is also supported by the policy.

- 11.4 The Club was originally allowed as a replacement for a Royal British Legion Club that served East Boldre and Beaulieu and which was located in Beaulieu. At the time that permission was granted for it in 1994, it was understood that there was considerable support for the proposal from local residents. The applicant's Design and Access Statement states that the building will be used to provide a community hall for local gatherings. It is understood, from the Parish Council comments, that the club had fallen into disuse prior to the fire damage and that there are alternative meeting places in the village to serve community needs and therefore no requirement for the club building to be reinstated. Further information has been sought from the applicants as to what use they hope to make of the site, but this has not been forthcoming.
- 11.5 In terms of impact, it has been accepted previously that the design, size, scale and location were acceptable in this location. The building was an 'L' shaped, single storey structure, with a footprint of around 380 square metres in area and a shallow pitched roof, the maximum height of which is 4.5m. The original building was clad in feather edged timber boards and the proposal would be the same. It is set back from the road, with intervening hedging, and is not intrusive in the street scene. The replacement with an identical structure would therefore be no more visually intrusive or unacceptable in this location. Similarly, the appropriateness of the use of the building and site as a clubhouse/meeting hall has been established. It is not therefore possible to contend that the potential impact from the proposed development, in terms of its visibility or use would be so significant as to justify a refusal on this basis.
- 11.6 Furthermore, it is noted that, whilst the Parish Council refer to the building as having fallen into disuse, it does not appear that, before the fire, as having been in a state of disrepair to the extent that it had become unusable. It was still therefore capable of functioning as a community facility. The current application does not seek to enlarge or otherwise alter the premises, but instead proposes to restore the previous status of the building. It is understood from the agent and various newspaper articles that the intention is not to rebuild immediately, but since permission is required to demolish the existing structure, the application has been submitted for its reinstatement as well. By carrying out the demolition and clearance of the site, the application, if granted, would effectively be implemented and the building could be constructed at any time thereafter. In most circumstances, there is

a three year period for the implementation of an application, but, given the existing hazardous condition of the building and potential implications for health and safety, it is considered to be appropriate to require the demolition and clearance works to be completed in a shorter space of time and a condition to this effect should be included.

- 11.7 It is recognised that there are other community facilities in East Boldre, most notably the village hall on Main Road which has recently obtained consent for a significant enlargement to incorporate a village shop/post office and improved facilities, yet to be implemented. That building has been used as a village hall for around a 100 years and was in use when the British Legion club building was granted permission. It has therefore been accepted previously that the local community was capable of sustaining more than one facility and, in the absence of any change in policy or other material circumstances, it cannot be concluded that there would be no community requirement for the replacement club and it is not considered that it would be possible to sustain a refusal on this basis.
- 11.8 The proposed development seeks to reinstate a former community facility, which has been recently and accidentally destroyed. It has been demonstrated that it can be accommodated on the site without undue harm to the character and appearance of the area or neighbour amenity and the proposed removal of the existing structure from the National Park landscape is welcomed. Overall, it is considered that the proposal is in accordance with Policies DP2, SP17, DP18 and SP39 of the Local Plan.

12. RECOMMENDATION

Grant Subject to Conditions

Condition(s)

- 1 The remains of the building shall be demolished and all debris cleared from the site, to the satisfaction of the National Park Authority, within 6 months of the date of this permission.

Reason: To ensure that the site is restored to an acceptable state in the interest of the visual amenities of the area and to accord with policies DP2, SP17 and DP18 of the New Forest National Park Local Plan 2016-2036 (August 2019)

- 2 Development shall only be carried out in accordance with plans:

DR1	- Location plan
DR2	- Block plan
SF001 Rev 0	- Proposed south and east elevations

SF002 Rev 0 - Proposed north and west elevations
SF003 Rev 0 - Proposed floor plan

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 The external facing materials to be used in the development shall be as set out in section 9 of the submitted application form, unless otherwise agreed in writing by the New Forest National Park Authority.

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).

- 4 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any statutory instrument revoking and re-enacting those Orders with or without modification, the building hereby permitted shall only be used as a Class F2 facility for local community uses and for no other purpose without express planning permission first being obtained.

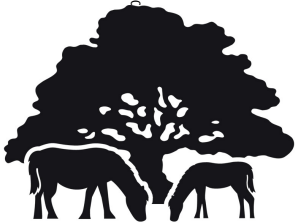
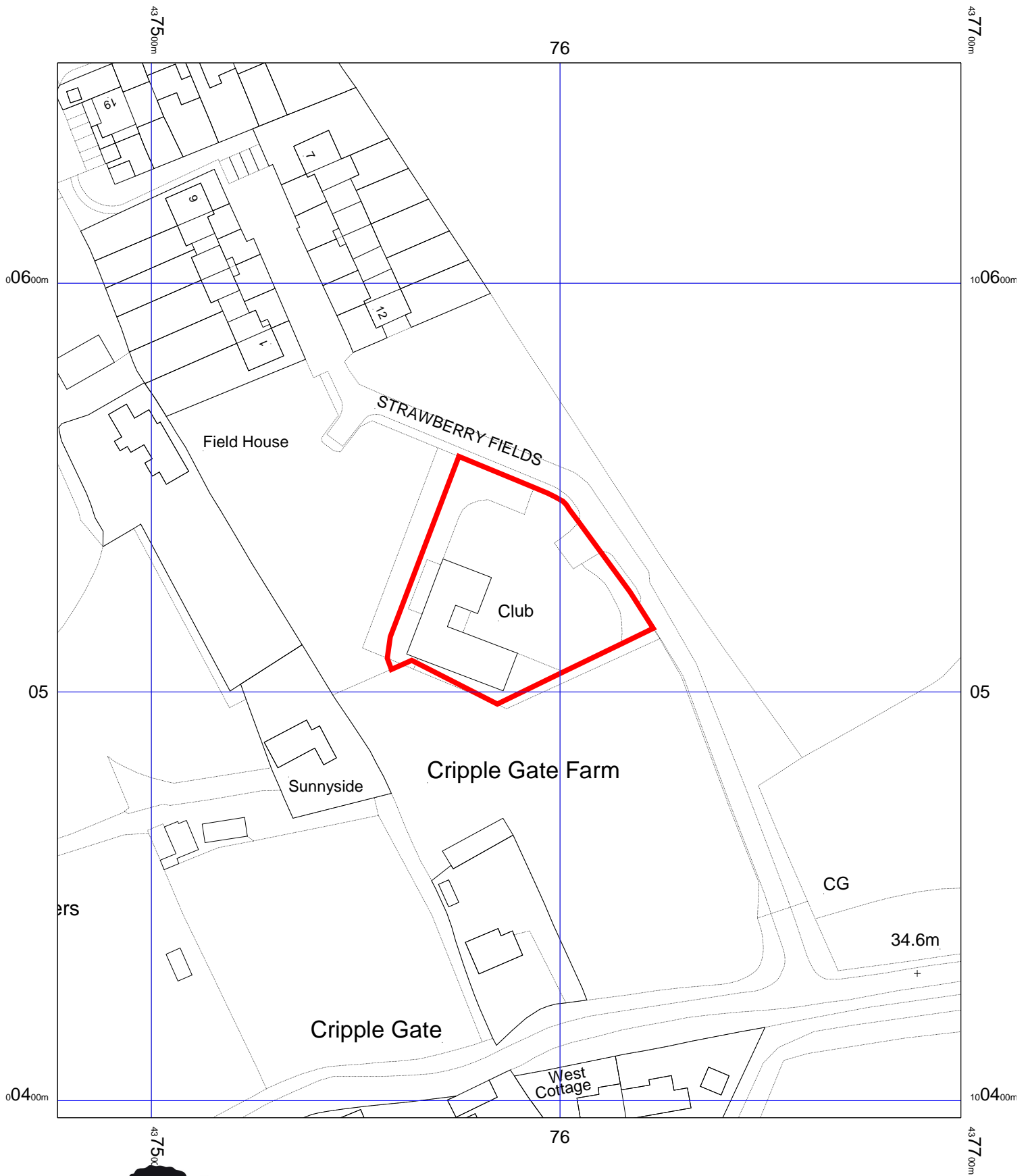
Reason: The building is only justified on the basis that it is for a community use and in accordance with Policy SP39 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 5 No activity shall take place on the site in connection with the approved use other than between the hours of 0900 and 2320.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 6 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

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

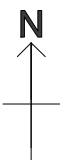
Tel: 01590 646600 Fax: 01590 646666

Date: 02/09/2022

Ref: 22/00383

Scale: 1:1250

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Application No: 22/00492/FULL Full Application

Site: 5 Boldre Lane, Boldre, Lymington, SO41 8PA

Proposal: Outbuilding for use incidental to the dwelling; relocation of 1no. outbuilding; demolition of 1no. outbuilding

Applicant: Mr Lightbody

Case Officer: Ethan Townsend

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

DP37 Outbuildings

4. SUPPLEMENTARY PLANNING GUIDANCE

Design Guide SPD

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, for the reasons listed.

This also appears to have potential as a separate dwelling which would be contrary to Policy DP37 d).

8. CONSULTTEES

No consultations required

9. REPRESENTATIONS

9.1 None received

10. RELEVANT HISTORY

10.1 Detached garage (16/00421) granted on 16 August 2016

10.2 Application for a certificate of lawful development for a proposed single storey rear extension (15/00589) granted on 20 August 2015

10.3 Two storey side extension (15/00043) granted on 9 March 2015

11. ASSESSMENT

11.1 The application site comprises one of a small enclave of properties located off Boldre Lane and is accessed by a crescent slip road off the east side of Boldre Lane. The dwellinghouse is detached and two storeys in height. It is built in brick with tile hanging on the front elevation and a concrete tiled roof.

11.2 This application seeks consent for a new outbuilding located to the side of the dwellinghouse. The outbuilding would be located to the rear of the existing garage at the dwellinghouse; the proposed site plan indicates that they would not be physically connected. The existing utility building located to the side of the dwellinghouse will be demolished and the garden structure would be relocated to the patio in the north east corner of the garden. The outbuilding would be approximately 9.25 metres in length, 3.40 metres in width and have an internal footprint of 21 square metres. The outbuilding would have two ridge heights; part of the outbuilding would have a ridge height of 3.6 metres whilst the other part would have a ridge height of 4 metres (to match the existing garage).

11.3 The issues to be assessed are whether the proposed outbuilding complies with Policy DP37; whether it would be appropriate and sympathetic to the house and its curtilage and whether there would be any adverse impact on neighbouring amenity.

11.4 Policy DP37 of the New Forest National Park Local Plan 2016-2036 (August 2019) requires all outbuildings to be proportionate and clearly subservient to the dwelling they are to serve. Parking and amenity space should not be reduced to an unacceptable level and the building should be required for purposes that are incidental to the use of the dwelling. This application proposes a subservient outbuilding. The proposed

outbuilding is significantly smaller in height than the dwellinghouse which has a ridge height of 7.3 metres. The footprint of the outbuilding is similar to that of the combined existing utility room and garden structure which are to be demolished/relocated. The application is not proposing any habitable accommodation; the outbuilding is proposed to be used as a utility room and home office which would be suitable for incidental use. A condition should be attached to ensure that its use remains incidental and it cannot be used as habitable accommodation in the future. This outbuilding would not reduce amenity or parking space within the site to an unacceptable degree. Therefore, this outbuilding would comply with Policy DP37.

- 11.5 The proposed building would be built in traditional, low key materials which would be suitable for the dwellinghouse and the rural area. Furthermore, it would appear congruous with the existing outbuilding at the site (the garage). The proposal would therefore comply with Policy DP18 which requires development to be appropriate and sympathetic with no adverse impact on the character of the wider National Park.
- 11.6 Policy DP2 seeks to ensure all development would be appropriate and sympathetic and have no adverse impacts on amenity. The proposal is located to the side of the dwellinghouse, close to the boundary with 4 Boldre Lane. The main difference between the existing and the proposed is the increase in height of the proposed outbuilding, yet it is not considered that this proposal would adversely impact this neighbour. Whilst there is glazing on the rear of the outbuilding, this outbuilding is situated rear of the neighbouring property and is not considered to impact upon neighbouring amenity. The development would not be visible from the road, therefore it would not have an impact upon the street scene. The proposal would have no material adverse impacts and would comply with Local Plan Policy DP2.
- 11.7 There is no objection to the proposed relocation of the wooden garden structure. This structure would be situated on an existing patio in the rear garden. There are no neighbours located to the rear of this property; the nearest neighbour (6 Boldre Lane) is some 30 metres away from the proposed relocated structure. The trees and vegetation surrounding the site would ensure that it would not have a harmful impact upon neighbours.
- 11.8 For the reasons outlined above, it is recommended that permission is granted subject to conditions.

12. RECOMMENDATION

Grant Subject to Conditions

Condition(s)

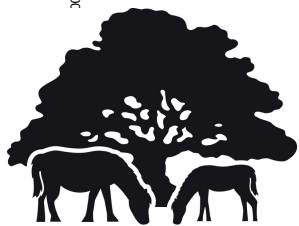
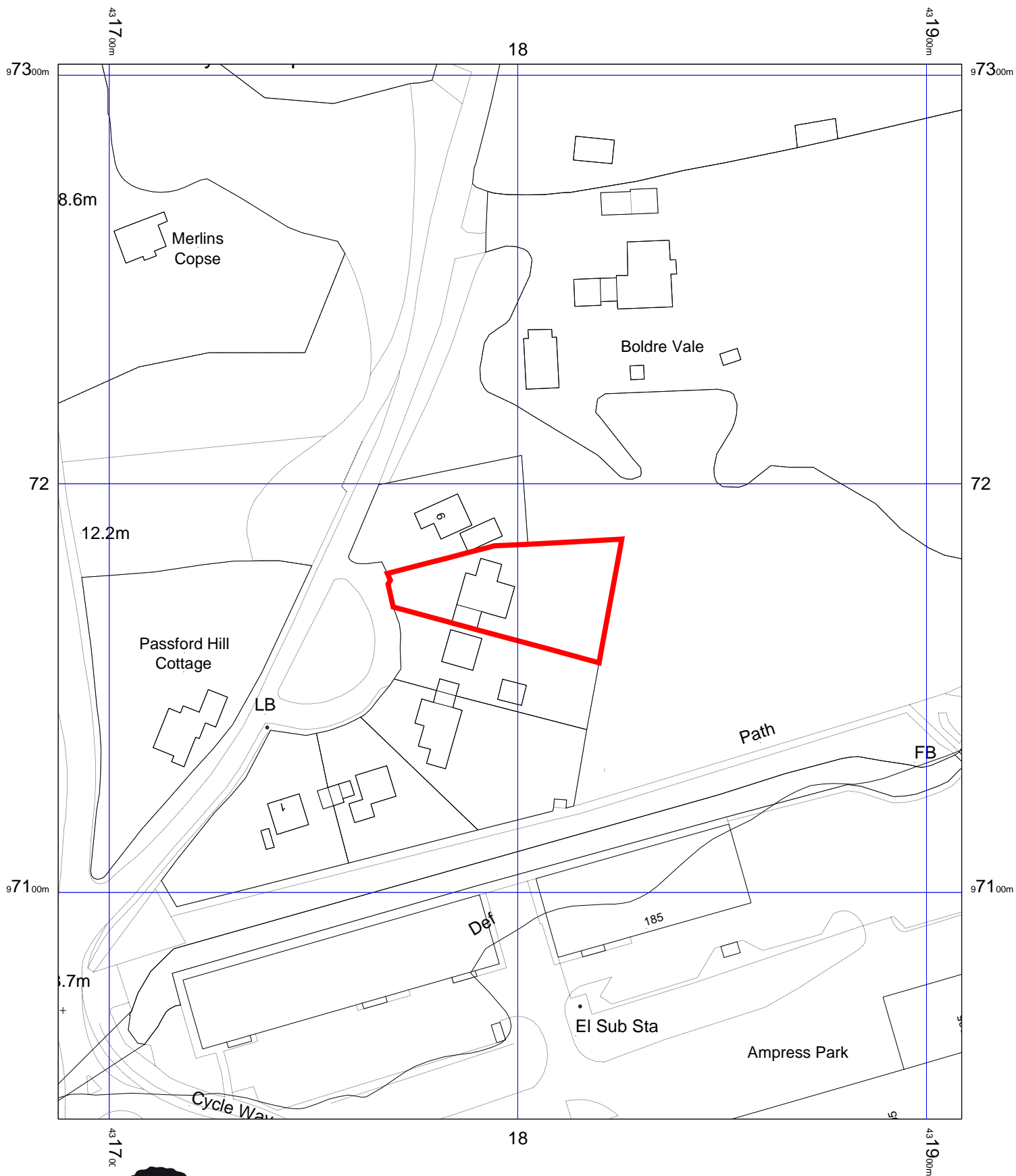
- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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 nos: 08 Rev A, 09, 10 Rev A, 11 Rev B, 12 Rev A, 13 Rev B, 14 Rev A, 001 Rev A, 100 Rev A and 101 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 The external facing materials to be used in the development shall be as stated on the application form and drawings hereby approved, unless otherwise agreed in writing by the New Forest National Park Authority.

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).
- 4 The buildings the subject of this permission shall only be used for purposes incidental to the dwelling on the site and shall not be used for habitable accommodation such as kitchens, living rooms and bedrooms.

Reason: To protect the character and appearance of the countryside in accordance with Policies DP36 and DP37 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).



NEW FOREST
NATIONAL PARK

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

Tel: 01590 646600 Fax: 01590 646666

Date: 02/09/2022

Ref: 22/00492

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Application No: 22/00511/FULL Full Application

Site: The Post House, Pilley Street, Pilley, Lymington, SO41 5QP

Proposal: Change of use from shop to ancillary residential accommodation to The Post House; partial removal of frontage; alterations to doors and windows

Applicant: Mr Baker

Case Officer: Carly Cochrane

Parish: BOLDRE

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. DEVELOPMENT PLAN DESIGNATION

Conservation Area
Site of Special Scientific Interest

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

DP2 General development principles
DP18 Design principles
SP16 The historic and built environment
SP17 Local distinctiveness
SP39 Local community facilities

4. SUPPLEMENTARY PLANNING GUIDANCE

Design Guide SPD
Boldre Parish Design Statement

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 12 - Achieving well-designed places
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

Boldre Parish Council: Recommend refusal, for the following reasons:

- It is felt this planning application is premature as the new village community shop is not yet viable and the agreed reinstatement of the play area equipment, that had to be moved to allow for the new build, has not been achieved to date.
- There is concern about the new windows which will overlook the neighbouring property, 1 Pilley Green, and the proposed disabled access opening onto the neighbour's drive which would compromise safety.
- This drive is accessed over crown land for which there is an agreed easement, the rights belonging to the neighbour, 1 Pilley Green.
- The proposed altered living accommodation appears to divide the property into two dwellings.

8. CONSULTEES

No consultations required

9. REPRESENTATIONS

9.1 Six letters of representation have been received, in objection to the application. The material planning considerations raised are summarised as follows:

- Concern with regard to overlooking and loss of privacy to the neighbouring property of 1 Pilley Green as a result of the proposed new windows
- The proposed new door opens directly onto the open forest; there is already sufficient access into the property
- Concerns with regard to creation of an additional dwelling or commercial use
- There is already an access into the property
- Concern with regard to fire risk
- The converted telephone box adjacent to the proposed new door is a community asset which could become compromised

10. RELEVANT HISTORY

10.1 Replacement shop front and fascia (16/00274) granted on 26 May 2016

10.2 Alterations to shop front (NFR/14181/3) granted on 28 September 1971

10.3 Of relevance at: Boldre War Memorial Hall, Pilley Street, Pilley, Lymington, SO41 5QG:

Single storey extension to facilitate community shop and post

office; 7no. additional parking spaces; relocation of playground; associated landscaping (21/00037) granted on 14 April 2021

11. ASSESSMENT

- 11.1 The application site is located to the southern side of Pilley Street and part of its rear boundary adjoins Lucky Lane. Both the front and rear boundaries adjoin the New Forest SSSI. The front section of the property comprises the former Pilley Stores and Post Office, and the shop front marks the northern site boundary. The remainder of the property is a residential dwelling. The property in its entirety has been identified as a non-designated heritage asset within the conservation area.
- 11.2 This application seeks permission for the change of use of the shop to residential accommodation, forming part of the same planning unit as the existing dwelling, with the removal of the shop front and alterations to and additional windows and doors.
- 11.3 By way of background, permission was granted in 2021 (21/00037) for an extension to Boldre War Memorial Hall in order to accommodate the shop and Post Office, as the lease on the shop at the location of 'The Post House' was not being renewed beyond October 2022. Policy SP39 of the Local Plan recognises that community facilities and key services that are essential in sustaining local villages are often under threat, and therefore it is important that policy supports their retention and improvement. A need for a replacement facility was therefore identified, and the application also provided the opportunity to secure such a facility, whilst providing some site enhancements such as the new children's play area and highway safety measures. The replacement provision adjoining the War Memorial Hall opened for business on 02 August 2022 and as such, the use of The Post House as a community facility has ceased.
- 11.4 Policy SP39 also sets out that any proposals for the change of use of local community facilities will only be considered where robust evidence is provided to demonstrate there is no longer a need for a specific service or facility in the longer term, a suitable replacement service or facility is provided, or there is an existing similar facility accessible to the local community. In this instance, there is now an existing similar facility accessible to and serving the same the local community.
- 11.5 The use of the former shop for residential purposes would not be considered new residential development under Policy DP19 on the basis that it would remain as one planning unit, and there would be no subdivision occurring. Concern has been raised by the Parish Council and within the letters of representation that the floor plan appears to create an additional dwelling, particularly as a result of the additional staircase and door upon the side (eastern) elevation. The need for the additional staircase (which in

itself does not require planning permission) is to enable access for the applicant, who was residing in the 'annex' to the rear of the property as it is at ground level; the applicant uses a wheel chair and mobility scooter, and the original staircase and hallway at the front of the property is too narrow to allow the applicant to use it. Similarly the need for the door upon the side elevation is to provide level access into the property; no new ramp would be required. The existing access is across a ditch with small ramp/bridge, and there is insufficient space to allow the applicant to safely use this entrance. The proposed new side door requires no ramp, and internally there would be sufficient circulation space to allow the applicant to use the new staircase.

- 11.6 In floor space terms, in this instance, the area used as the shop was originally residential, and the proposal would not enlarge the residential use through any physical extension to the building; the floorspace already exists, and it would not be reasonable to require that demolition of existing parts takes place in order to bring the floorspace within the 30% limitation, as this would require the demolition of part of a non-designated heritage asset, the loss of which would be more harmful than the use of part of the building for the purpose it was originally constructed for. It is however, considered reasonable to remove permitted development rights to ensure that the resultant dwelling is not further enlarged.
- 11.7 The proposal would include some demolition of the front-most part of the former shop, which comprises a flat roof. This is a late 20th Century addition, and whilst this was constructed using complimentary materials and the replacement of the original shop front in 2016 resulted in the loss of some decorative features, the proposal is not considered to result in any harm to the non-designated heritage asset. The proposal would remove the incongruous expanse of glazing from the front elevation, and fenestration of a matching scale and design to that existing would be inserted. The resultant appearance would compliment that of the existing dwelling, and would not result in any adverse impact upon the character and appearance of the conservation area.
- 11.8 The Parish Council have recommended refusal of the application as there is concern with regard to overlooking and the location of the proposed new side door which provides access directly onto the open forest. Again, these concerns are echoed within the letters of representation. Amended plans have been submitted which show the two windows and door within the side elevation being obscure glazed. The agent has also agreed to a condition requiring these windows to be fixed shut and therefore non-opening. These windows would face onto the driveway area of the neighbouring property of 1 Pilley Green; it is noted that there are two first floor windows upon this side elevation of The Post House which already provide opportunity for overlooking. It is considered reasonable to impose the aforementioned condition,

and overall, it is not considered that the proposal would result in any adverse impact upon neighbouring amenity. In relation to the location of the door, this would open inwards, as this is a pedestrian door only and no license from Forestry England is required.

- 11.9 It is therefore recommended that permission be granted, as the proposal is in accordance with Policies DP2, DP18, SP16, SP17 and SP39 of the adopted Local Plan 2016-2036.

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 numbers: 100 Rev A, 101, 104 Rev A, 105 Rev B, 106, 107, 108 Rev A, 109 Rev B. 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 The external facing materials to be used in the development shall match those used on the existing building, unless otherwise agreed in writing by the New Forest National Park Authority.

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).
- 4 The new windows within the side (eastern) elevation shall at all times be obscurely glazed and non-opening.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).
- 5 No windows other than those hereby granted shall be inserted into the side (eastern) elevation of the dwelling.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) England Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: To ensure the dwelling remains of a size which is appropriate to its location within the countryside and to comply with Policies DP35 and DP36 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 7 All materials, machinery and any resultant waste materials or spoil shall be stored within the red line application site unless otherwise agreed in writing by the local planning authority.

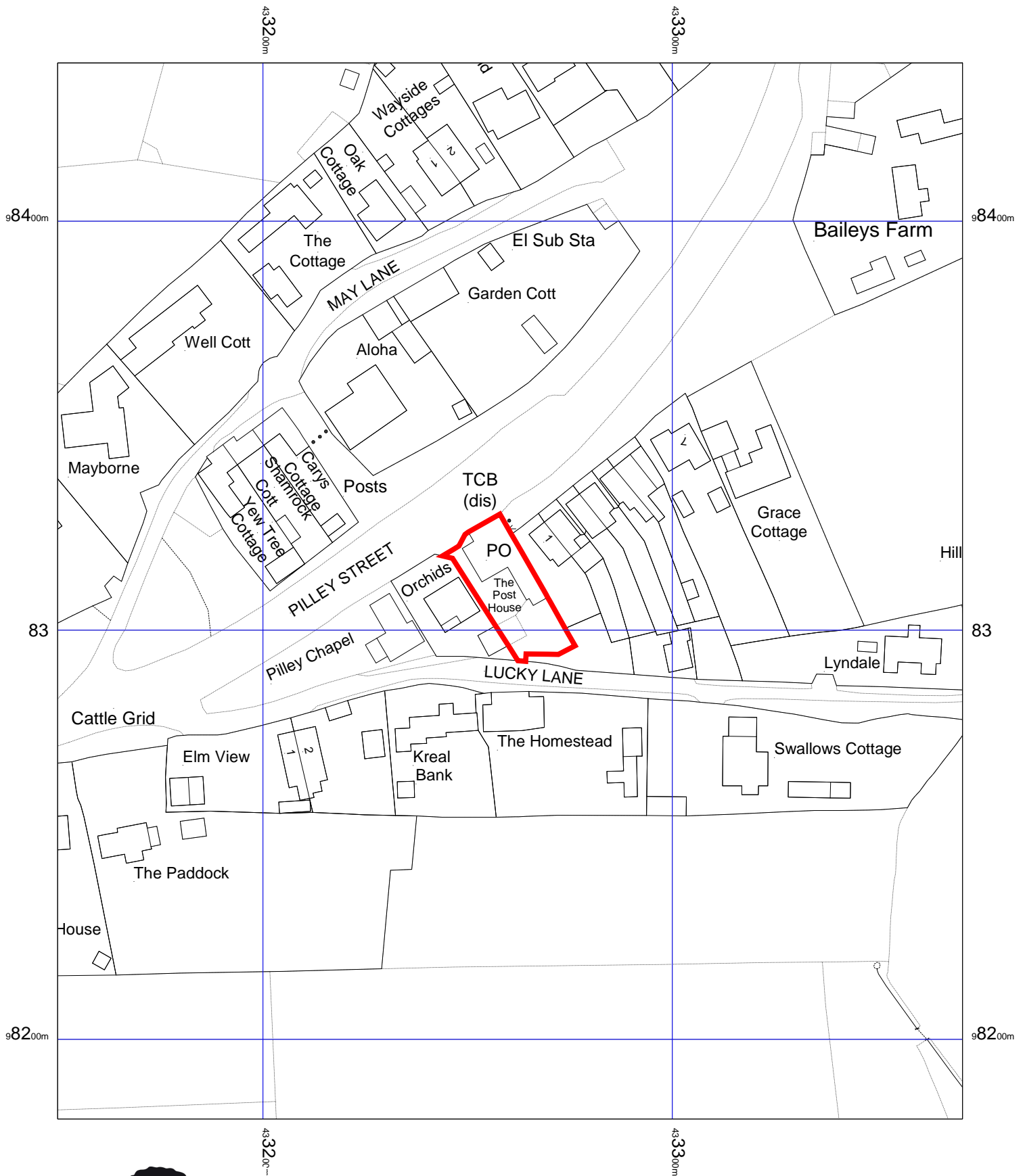
Reason: In the interests of protecting the New Forest Site of Special Scientific Interest in accordance with Policy SP6 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 8 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).

Informative(s):

- 1 For the avoidance of doubt, the proposal is not considered to facilitate the creation of a new dwelling, or result in the subdivision of that existing. The property is considered to fall within the same planning unit as one residential dwelling. Should the dwelling become subdivided internally in the future and a net new dwelling be created, planning permission would be required.



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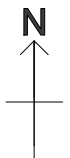
New Forest National Park Authority
Lymington Town Hall, Avenue Road,
Lymington, SO41 9ZG

Tel: 01590 646600 Fax: 01590 646666

Date: 02/09/2022

Ref: 22/00511

Scale: 1:1250



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Application No: 22/00522/VAR Variation / Removal of Condition

Site: Land At Stock Lane, Landford

Proposal: Application to vary Condition 2 of planning permission 20/00671 for 2 No. buildings (Use Class E) to allow minor material amendment

Applicant: Mr C Monckton

Case Officer: Claire Woolf

Parish: LANDFORD

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

SP7 Landscape character

SP17 Local distinctiveness

4. SUPPLEMENTARY PLANNING GUIDANCE

Landford Village 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

Landford Parish Clerk: Recommend refusal, for the reasons listed below.

A previous planning application 19/00918 was submitted for the purpose of gaining retrospective planning permission for the partially completed works which were not constructed in accordance with the approved

drawings. The deviations included the raised roof structure which is now the subject of the current application. The 19/00918 application was refused and the subsequent appeal was dismissed.

The two agricultural buildings were originally allowed conversion to offices under Class R of the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2 Part 3. The complete new roofs on the two buildings represents a re-build and not a conversion and therefore fall outside of the permitted development rules, especially as the roofs now extend beyond the height of the original buildings.

8. CONSULTTEES

No consultations required

9. REPRESENTATIONS

9.1 Two objections on the following grounds:

- Planning application seeks to go against the Planning Inspectorate's decision (19/00918)
- Retrospective consents.
- Weak environmental argument.
- Eyesore.
- Very different to original permission.
- Suburbanising effect.

10. RELEVANT HISTORY

- 10.1 2 No. buildings (Use Class E) (20/00671) granted on 09 December 2020.
- 10.2 Retention and completion of 2no buildings (19/00918) refused on 14 February 2019. Appeal against refusal dismissed on 15 September 2020
- 10.3 Determination as to whether Prior Approval is required for proposed Change of Use of agricultural buildings A and B to office use (Class B1); access road and parking (17/00911) no objection raised on 21 December 2017.
- 10.4 Determination as to whether prior approval is required for proposed change of use of agricultural building to office use (Class B1) (17/00533) no objection raised on 16 August 2017.
- 10.5 Determination as to whether prior approval is required for proposed change of use of agricultural building to office use (Class B1) (17/00333) no objection raised on 31 May 2017.

11. ASSESSMENT

11.1 This application relates to two agricultural buildings in the process

of being converted to Use Class E (Commercial, Business and Service use). The buildings are set back from Stock Lane and are accessed via a gravel track.

11.2 In terms of background, the original buildings were simple, steel-framed, pitched roof structures and the permitted prior approvals (17/00333, 17/00533 and 17/00911) ensured the retention of their rural character whilst facilitating the proposed office layouts. The prior approvals permitted change to B1 use (offices). However, works took place above and beyond what was necessary to facilitate the change of use of the buildings. These were subject of a retrospective application (19/00918) refused by the Authority and dismissed at appeal. Subsequently an application to take the buildings back to the use, design, scale and form agreed by the prior approval process (reference: 20/00671) was granted and is still within its three years. The buildings the subject of this current application are still in a partly built state.

11.3 This application seeks to vary the permission under reference 20/00671 as follows:

Building A:

- An increase in the height of the eaves from 1.9 metres from damp proof course to 2.1 metres.
- An increase in the height to ridge from 3.9 metres to 4.4 metres.
- The finished ground level is shown to have increased.

Building B:

- An increase in the height of the eaves from 1.9 metres from damp proof course to 2.1 metres.
- An increase in the ridge height from 3.9 metres to 4.3 metres.

The acceptability of two buildings for this use and format has already been established. The use of a slate roof, timber clad block work walls would accord with previously approved materials.

11.4 The key considerations relate to whether the changes to the scheme as approved under 20/00671 would be appropriate, taking account of the previous appeal decision and primarily, the subsequent planning permission granted.

11.5 Planning permission 20/00671 was granted for the buildings to be retained as offices in the form previously permitted via Prior Approval. The Case Officer for this application identified that "the proposed alteration of the partially converted buildings to reflect the design granted under 17/00911 would be considered appropriate. The design proposal would be directly associated with the change of use and would be suitably modest in this respect. The design would be functional and fit for purpose. It is considered therefore that the removal and alterations (to) the buildings would be appropriate in scale and appearance to the rural location within

the National Park and their use as offices. Subject to restricting external lighting with an appropriate condition, the proposal would not be detrimental to the character of the wider area."

- 11.6 Taking account of the previous permission rather than via prior approval, the proposed changes, as set out in paragraph 11.3 of this report are considered acceptable; the proposed changes would not result in harm to the character of the area, residential amenity (the nearest neighbours are 66 metres away to the east and over 100 metres to the west) or result in an individual or cumulative suburbanising impact taking account of the previous consents.
- 11.7 Permission is therefore recommended subject to conditions applied to the previous consent.

12. RECOMMENDATION

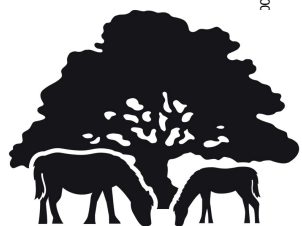
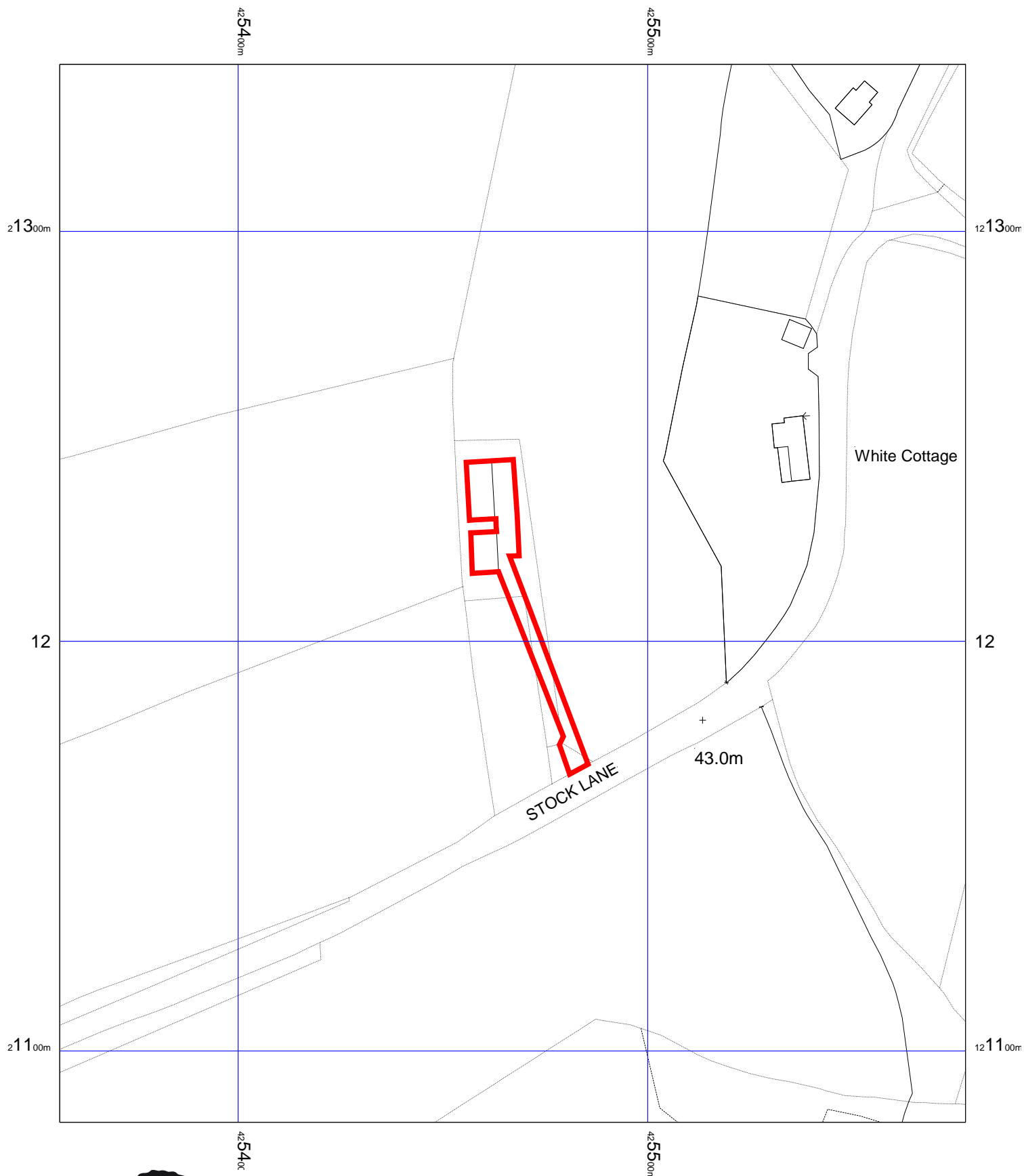
Grant Subject to Conditions

Condition(s)

- 1 The two buildings the subject of this permission shall be altered so that they strictly accord with submitted drawing numbers: 16:074:01 Rev B, 16:074:03 Rev A, 16-074-04 Rev C by 09 December 2023.
- Reason: To ensure that works are completed in accordance with the approved plans and to ensure an acceptable appearance of the buildings in accordance with Policies DP2 and SP17 of the adopted New Forest National Park Local Plan 2016-2036 (adopted August 2019).
- 2 Development shall only be carried out in accordance with 16:074:01 Rev B, 16:074:03 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 Notwithstanding the provisions of The Town and Country Planning (Use Classes) (Amendment) (England) Order 2020 and The Town and Country Planning (General Permitted Development) (England) Order 2015 or any subsequent re-enactments thereof, the use of the buildings hereby approved shall be for the purposes of offices (Use Class E(c)) and for no other use purposes whatsoever, including any other purpose in Class E of The Town and Country Planning (Use Classes) (Amendment) (England) Order 2020 or any subsequent re-enactment thereof, without express planning permission first being granted. When the buildings cease to be occupied for the purposes of Use Class E(c), the development hereby permitted shall cease.

Reason: The Prior Approval consents were for the change of use of the buildings from agricultural to offices (Use Class B1 at the time of the application), rather than for any other use within what now falls within Use Class E. An unrestricted E use would be likely to have an adverse impact on the amenities of neighbouring occupiers and upon the character and appearance of the area, contrary to Policy DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).



NEW FOREST
NATIONAL PARK

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

Tel: 01590 646600 Fax: 01590 646666

Date: 02/09/2022

Ref: 22/00522

Scale: 1:1250

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Application No: 22/00537/FULL Full Application

Site: 53 & 55 High Street, Lyndhurst, SO43 7BE

Proposal: Replacement shop frontage

Applicant: Mr K Stratford

Case Officer: Liz Marsden

Parish: LYNDHURST

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. DEVELOPMENT PLAN DESIGNATION

Conservation Area
Defined New Forest Village

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

SP16 The historic and built environment
SP17 Local distinctiveness
DP2 General development principles
DP18 Design principles

4. SUPPLEMENTARY PLANNING GUIDANCE

Design Guide SPD

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 12 - Achieving well-designed places
Sec 16 - Conserving and enhancing the historic environment

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Lyndhurst Parish Council: Recommend refusal for the reasons listed.

Each property should retain its individual character as described within the Conservation Area appraisal of Lyndhurst High Street. No 53 should retain the 4 top windows and the central vertical mullion. No 55 should have 3 top

windows and the central vertical mullion. The doors should replicate the original wooden doors not the replacement PVC ones. All replacements if approved are to be wood. (Unanimous, Cllr Stratford abstained from voting).

Following receipt of Conservation Officer comments, further Parish Council response was received:

Pleased to see the UPVC disappear and to be replaced by wood. However, the three shop fronts should have three distinct individual designs rather than a single repeated design. We therefore still object to this planning application.

8. CONSULTEEES

8.1 Building Design & Conservation Area Officer: Overall the traditional design of the proposals are considered to conserve the character and appearance of the conservation area and are in keeping with the character of the locally listed buildings. The proposals can therefore be supported.

9. REPRESENTATIONS

9.1 None received

10. RELEVANT HISTORY

10.1 Replacement shopfront (21/00810) withdrawn on 12 January 2022

10.2 Use of ground floor as 3 shops and first floor as 2 flats; rear single storey extension (02/74884) granted on 24 June 2002

11. ASSESSMENT

11.1 The application site comprises two small units with no.53 selling baked goods and coffee for consumption off the premises and no.55 being an art and collectibles gallery. The units form part of a group of three, the third, no.57, being separated by an additional door leading to first floor accommodation, which are characterised by the use of small top lights over the main display windows and doors. Other shopfronts within the High Street are of a wide variety of styles but with some uniformity provided by the use of materials, almost exclusively timber for the surrounds and glazing bars. The units, which are identified as being in buildings of local historic interest, are centrally located in the High Street, adjacent to the pedestrian crossing and within the Lyndhurst Conservation Area.

11.2 The proposal seeks to replace the shopfronts of the two units. The current shopfront of no.53 is unauthorised and the previous application, to regularise the works that had been carried out, was

withdrawn following advice from the Authority's officers that they were not acceptable. The proposal would result in both shopfronts being of a similar style, using timber windows and doors. The key considerations are:

- Whether the design and materials of the new shopfronts are appropriate to the building; and
- The impact on the streetscene and the character and appearance of the conservation area.

- 11.3 The site is located within the conservation area where, under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area. Policy SP16 of the Local Plan requires development to conserve and enhance the significance or special interest of non-designated heritage assets and do not cause harm to the character and appearance of the conservation area.
- 11.4 In this case, it is recognised that neither of the shopfronts are original, having been replaced or created in the 1970's. However, as set out in the Conservation Area Character Appraisal, they were of a traditional design in keeping with the character of the property and with other shopfronts in the High Street. Given the relatively recent date of the shopfronts, there would be no objection in principle to their replacement, particularly given the inappropriate materials that have been used for no.53 and the poor condition of the door to no.55. The proposals would use the existing openings into the building and would not result in the significant loss of historic fabric.
- 11.5 The replacement shopfronts are simple and traditional in design and would retain the element of small top lights over the main display window. Whilst the frontages do not exactly replicate the 1970's shopfronts, the use of timber frames and glazing bars is appropriate and would be in keeping with the majority of shopfronts within the High Street. It is therefore considered that the proposals would accord with the Design Guide and Policy SP16, in that they would conserve the character and appearance of the conservation area and the locally listed building.
- 11.6 Concern has been raised by the Parish Council that the three shopfronts would be too uniform in appearance and should rather have the individual designs that were previously in place. It is not, however, considered that where, as in this case, the replacements are appropriate in terms of style and materials and would not have an adverse impact on the character and appearance of the conservation area, it would be reasonable to require them to be identical to the previous, relatively modern frontages that they replace. The High Street has a wide variety of shopfronts and the similarity of these three small units, which are already alike in terms of their proportions, would not significantly reduce the visual

interest of the High Street as a whole. A reason for refusal on this basis could not therefore be sustained.

- 11.7 The proposed shopfronts are of a traditional design, appropriate to the building and will not adversely affect the character and appearance of the conservation area. The development is therefore in accordance with Policies DP2, SP16 and SP17 of the adopted Local Plan.

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 plans:

9810.110 Rev.P1 - Location and block plan
9810.111 Rev.P1 - Existing and proposed front elevations

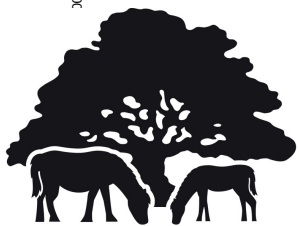
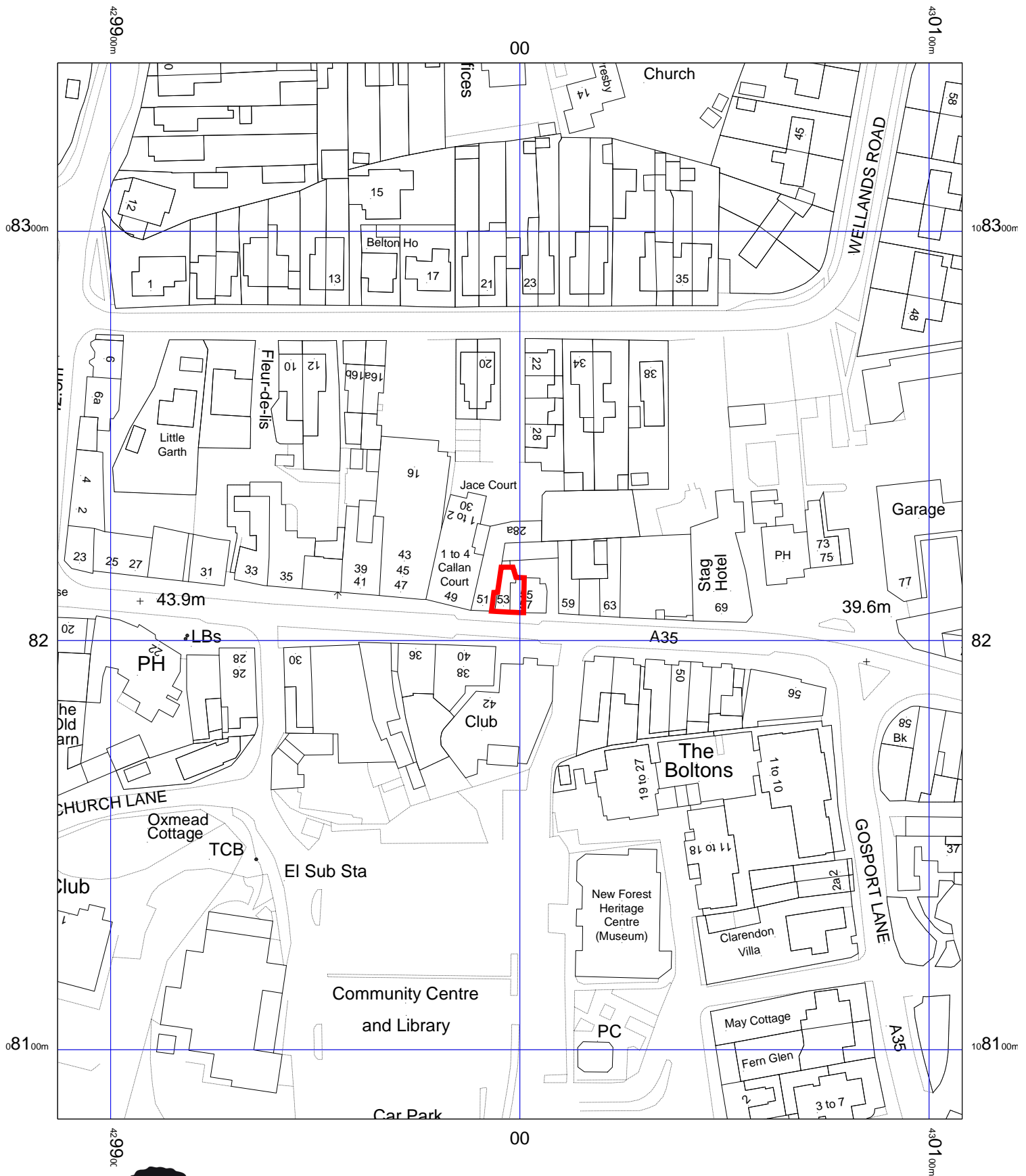
No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority.

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 windows/doors shall be installed until the following details, at a scale of 1:10 elevation and 1:5 section, have been submitted to, and approved in writing by, the New Forest National Park Authority.

a) Typical joinery details including window/doors
b) Fascias
c) Paint colour
b) Fascia and sign lettering detailing

Development shall only take place in accordance with those details which have been approved.

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



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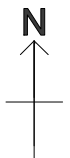
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Date: 02/09/2022

Ref: 22/00537

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Application No: 22/00240/FULL Full Application

Site: Oak Cottage South, Lyndhurst Road, Burley Lodge, Burley,
Ringwood, BH24 4HS

Proposal: Creation of access track and hardstanding

Applicant: Mr Goldfinch

Case Officer: Claire Woolf

Parish: BURLEY

1. REASON FOR COMMITTEE CONSIDERATION

Applicant related to a member of staff
Previous committee consideration

2. DEVELOPMENT PLAN DESIGNATION

No specific designation

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

SP7 Landscape character
DP2 General development principles
SP17 Local distinctiveness
DP18 Design principles
SP48 The land-based economy
DP50 Agricultural and forestry buildings
SP15 Tranquillity

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

Burley Parish Council: Happy to accept the decision reached by the
National Park Authority's Officers under their delegated powers.

8. CONSULTTEES

No consultations required

9. REPRESENTATIONS

9.1 None received.

10. RELEVANT HISTORY

10.1 Application under Part 6 of the Town and Country Planning (General Permitted Development) Order 2015 in respect of proposed hardstanding, (21/00741) withdrawn on 31 August 2021.

10.2 Application under Part 6 of the Town and Country Planning (General Permitted Development) Order 2015 in respect of proposed hardstanding, (21/00847) determined planning permission required 15 October 2021.

11. ASSESSMENT

11.1 Members will recall that this application was deferred at the last meeting to seek additional information and clarification with respect to the track length, field shelters, boundary treatments and muck heap. Further information from the applicant and an amended plan have now been received.

11.2 To recap, Oak Cottage South is a semi-detached dwelling located outside of the National Park's conservation areas and defined villages. It is accessed from a long gravel track from the Lyndhurst Road in Burley. The application site is located to the north of the associated property and the field amounts to 3 hectares. It is bound by mature hedging on the western boundary. The application field comprises grazing land and is not subject to any environmental designations.

11.3 Permission is sought for a hoggin access track leading to a hoggin hardstanding measuring 20 metres by 25 metres. The applicant has now reduced the length of the track to 15 metres from 30 metres (the width of the track would be 4 metres). The hardstanding would be hoggin at a depth of 3 inches with 8 inches of hardcore below to allow the applicant to bring forest run stock out of the wet and onto dry ground to be fed and cared for. The yard would be fenced to contain the stock. The hardstanding would allow sufficient space for storage of forage, a turning circle for a tractor and trailer and be of a sufficient size for animal handling. The wider site accommodates the applicant's field shelters which are used for animal handling and medical treatments (not the subject of this application – see further

clarification below). No external lighting is proposed.

- 11.4 The reduced length of the track would still avoid the large oak tree on the western boundary of the property and bring the hardstanding area closer to the host property whilst maintaining an appropriate distance to limit any noise, odour and activity from the hardstanding.
- 11.5 In relation to the field shelters, the applicant has provided a further statement:
- “In relation to the structures, both the field shelter and stable unit are mobile structures, mounted on skids to allow them to be moved as required. The field shelter is moved regularly through the autumn and winter months to avoid poaching around the entrance to the shelter and to avoid inclement weather. The stables currently offer emergency/relief accommodation for mares and foals, and injured animals when required. The stables would be relocated to the yard area if close care is needed of any animals but will also act as additional field shelter during the winter. The use of these structures is dependent on weather/ground conditions, animal health and availability of forage. The movable temporary nature of the structures makes them suitable for the variety of roles that they are required to meet. The structures will be moved before the yard is laid and will not form part of the yard and have not been included within the plans as the proposal. The shelters are moved around the holding as required in line with weather/ground conditions, stocking density, feeding requirements.”
- 11.6 On this basis, the buildings are considered to be moveable structures and do not need to form part of this application.
- 11.7 With regard to boundary treatment, the applicant has now removed the proposed hedge planting. The yard would be bordered by a post and rail fence. For clarity the trackway would not be fenced. A landscaping condition is still considered appropriate to agree final details. Finally, the applicant has also confirmed that he uses an existing muck trailer which can be moved and emptied weekly.
- 11.8 The proposed development is required for the purposes for the sorting of cattle and New Forest ponies for grazing the National Park, foot trimming, worming and other medical procedures. The animals are held at the site to allow this work to be carried out before being turned out onto the forest.
- 11.9 As before, the property is let to the applicants on the basis of them carrying out commoning on the land as detailed in a letter from Forestry England. The application is accompanied by a letter of support from Celtic Equine Veterinary Practice Limited. Policy DP50 of the adopted local plan sets out that agricultural

development will be granted where there is a functional need for it and where the scale of the proposal is commensurate with its need and setting in the landscape. In addition, Policy SP48 supports the land-based economy including the future viability of commoning. There are no other suitable yard areas within the applicant's control which would suit these purposes.

- 11.10 With the additional information and amended plan, the proposed track and hardstanding are considered to be reasonable, given the commoning activity described within the supporting statement.
- 11.11 It is recommended the application is granted subject to conditions relating to landscaping, restricting external lighting and limiting the use of the hardstanding to agricultural / commoning use only.

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 numbers: 9907.101 Rev P2, W16713-05.
- 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 No development shall take place until a scheme of landscaping of the site shall be submitted to and approved in writing by the New

Forest National Park Authority. This scheme shall include:

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting (species, size, spacing and location);
- (c) areas for hard surfacing and the materials to be used;
- (d) other means of enclosure;
- (e) a method and programme for its implementation and the means to provide for its future maintenance.

If any trees, shrubs or planting are removed, die or become seriously damaged or diseased, they shall be replaced in the next planting season with another of similar size and species, unless the National Park Authority gives written consent to any variation.

No development shall take place unless these details have been approved and then only in accordance with those details.

Reason: To safeguard trees and natural features and to ensure that the development takes place in an appropriate way and to comply with Policy DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

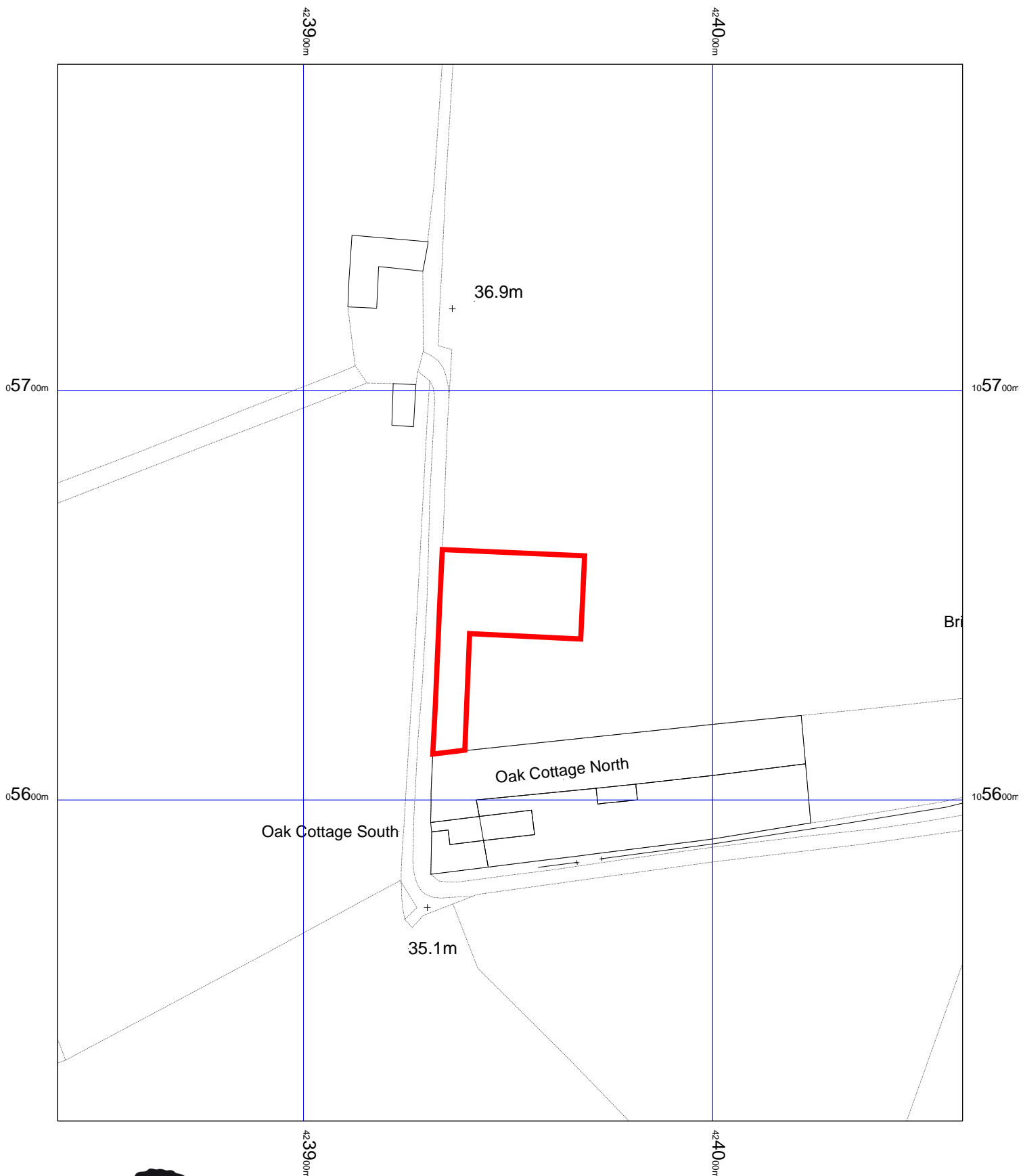
- 5 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in the first planting and seeding seasons following the completion of the development, whichever is the sooner.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the National Park Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 6 The hardstanding the subject of this permission shall only be used for agricultural or commoning purposes and for no other commercial, business or storage purposes whatsoever. If in the future the hardstanding is no longer required for agricultural or commoning purposes, the hardstanding shall be removed and the land restored to its former condition within three months of the cessation of the agricultural / commoning use, unless otherwise agreed in writing by the Planning Authority.

Reason: The hardstanding is only justified on the basis that it is necessary for Commoning in accordance with Policy DP50 and Policy SP48 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).



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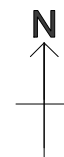
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Amended red line plan to be
displayed at meeting



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