

**Application No:** 23/00288FULL Full Application

**Site:** Passford Farm Cottage, Southampton Road, Boldre, Lymington  
SO41 8ND

**Proposal:** Boundary fence

**Applicant:** Guy Parsons

**Case Officer:** Carly Cochrane

**Parish:** Boldre Parish Council  
Lymington and Pennington Town Council

**1. REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish view.

**2. POLICIES**

**Development Plan Designations**

Conservation Area  
Listed Building

**Principal Development Plan Policies**

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

**NPPF**

Sec 12 - Achieving well-designed places  
Sec 15 - Conserving and enhancing the natural environment  
Sec 16 - Conserving and enhancing the historic environment

**Supplementary Planning Documents**

Design Guide SPD

**3. MEMBER COMMENTS**

None received

**4. PARISH COUNCIL COMMENTS**

Boldre Parish Council: Recommend refusal.

## **5. CONSULTEES**

Building Design & Conservation Officer: Comment provided.

Means of enclosure causes less than substantial harm to the setting of the listed building, however, given the style of fencing allowed elsewhere on site at appeal but still within the setting of the listed building, on balance, there would be nothing significant to be gained from refusing permission.

## **6. REPRESENTATIONS**

One letter of representation has been received, raising objections to the proposal. The comments made are summarised as follows:

- The fence subject of this application is subject to an Enforcement Notice dated 17 January 2020, which was upheld at appeal in 2022. The notice requires the removal of the fence by 28 September 2022.
- During the Inquiry, the Authority's Building Design & Conservation Officer gave evidence in respect of the fences at the site, being those which surrounded the building known as The Barn, as well as Passford Farm Cottage, and stated that they 'have a highly modern and suburban character that is alien to, and detracts from the traditionally open, rural character of the conservation area and the setting of the listed Farmhouse'.
- The applicant stated during the Inquiry that the fence was inappropriate and that he would work with the NFNPA to conceive something more appropriate. Permission should be refused and action taken against the flouting of the requirements of the Enforcement Notice.

## **7. RELEVANT HISTORY**

Application for a Certificate of Lawful Development for continued use of The Lodge as a single dwellinghouse (19/00501) refused on 15 August 2019. Subsequent appeal allowed on 28 March 2022

Retention of replacement decking; pool enclosure (20/00615) granted on 17 November 2020

Enforcement notice (EN/18/0118) served on 17 January 2020. Partially upheld at subsequent appeal on 28 March 2022

Outbuilding; demolition of existing outbuilding (20/00599) refused on 21 April 2021, appeal dismissed 05 January 2022

## **8. ASSESSMENT**

### **Application Site**

- 8.1 The application site of Passford Farm Cottage comprises a 2.5 storey, timber framed Grade II Listed Building, within the conservation area. The garden serving the dwelling is located to the rear (north west) and side (south west), and has been enclosed by a 'hit and miss' style timber fence, planters and a temporary timber fence with black mesh.

### **Proposed Development**

- 8.2 This application seeks permission to retain the boundary treatment as it exists, however, the section to the front of the site with the mesh would be replaced with a timber post and rail fence measuring approximately 1200mm in height.

### **Consideration**

- 8.3 It is important to set out the history of the wider site in considering this application in order to appreciate the complexities of this case.
- 8.4 Passford Farm Cottage is a Grade II listed building that dates to the 17th Century and is a key feature of historic importance in the Buckland Conservation Area. In the historic curtilage of the cottage there are several modern timber clad outbuildings, a static mobile home and some storage containers that are not considered to be sympathetic to the character and historic significance of the cottage and were originally part of a single ownership.
- 8.5 In June 2018, various developments were brought to the attention of the Authority and it was alleged that, among other things, there was an unauthorised material change of use of two outbuildings, known as 'The Barn' and 'The Lodge', to independent units of residential accommodation, and fences and other means of enclosure had been erected in the setting of a listed building without planning permission. These breaches were the subject of an enforcement notice issued in January 2020. This enforcement notice was appealed, along with the refusal of a Lawful Development Certificate (reference 19/00501) and following the Public Inquiry, the Inspector concluded that, due to the passage of time, both buildings were lawful independent dwellings and confirmed to be separate planning units. The inspector also determined in that decision that The Barn was not within the otherwise extensive curtilage of the listed cottage, and so the unsympathetic close boarded fencing erected between Passford Farm Cottage and The Barn and would be permitted development. Whilst the buildings across the site were in different ownerships at the time of the Inquiry, with Passford Farm Cottage within the ownership of the current applicant and The Barn and The Lodge remaining within the ownership of the previous owner (the appellant), it is clear that the site has been severed into three separate planning units, being Passford Farm Cottage, The Lodge and The Barn, and each have their own curtilages.

8.6 The Barn is enclosed by a high closed boarded fence which provides privacy and security to its small amenity area, which faces Passford Farm Cottage. The Lodge has, since the appeal decision, been the subject of a number of planning applications, and the approved plans included a 1 metre high post and rail fence along its boundary (22/00566). The northern boundary of The Lodge is parallel to a gravelled driveway, which runs through the entirety of the site, from the entrance at Southampton Road to the lawful dwelling plot at the rear of the site known as The Chalet (not subject of the Inquiry), which also used to form part of the wider Passford Farm site. It is noted that the dwelling of The Coach House, located immediately adjacent to the north eastern corner of Passford Farm Cottage, was also previously part of the wider site. There is a high close boarded fence which separates the sites, and tall trees along this boundary. As such, the residential properties of The Lodge, The Barn, The Coach House and The Chalet all have a means of enclosure, whether in the form of a high close boarded fence or timber post and rail fence, and all are either within the curtilage of or setting of the listed building.

8.7 It is known that both The Barn and The Lodge are used as holiday accommodation, although The Lodge is currently undergoing works pursuant to permission reference 22/00566. It is also known that Passford Farm Cottage is used for holiday accommodation. However, this does not alter the need for and nor is it considered unreasonable for there to be some form of enclosure to Passford Farm Cottage in order to provide privacy and security considering that the site is now comprised of different planning units, with different ownerships.

8.8 In relation to this application, allegation 3.3 and requirement 5.4 of the Enforcement Notice issued by the Authority in January 2020 and subject of the appeal were upheld. These are as follows:

*“3.3 Without planning permission the erection of fencing and other means of enclosure (planters) shown in the approximate positions marked blue on the plan attached to this Notice.*

*5.4 Dismantle and permanently remove the fencing and any other means of enclosure (planters) shown in the approximate positions marked blue on the plan attached to this Notice to ground level.”*

The justification within the Enforcement Notice in relation to the boundary treatment is as follows:

*“Passford Farmhouse is a Grade II Listed Building dating from the 17th Century. Consequently, the erection of the timber outbuilding, fencing and other means of enclosure within its curtilage requires planning permission. The outbuilding, fencing and enclosures have a harmful impact upon the setting of the Listed Building owing to its close proximity. The fencing and enclosure is visible from public and private views, and, along with the outbuilding, its highly suburban appearance appears at odds with its rural location. It also compounds and facilitates the unauthorised independent use of the buildings. The development is therefore contrary to policies DP2, DP18, SP16 and SP17 of the New*

- 8.9 As Passford Farm Cottage was sold between the time when the Enforcement Notice was issued and the Inquiry took place, the appeal in respect of the means of enclosure around Passford Farm Cottage was not pursued, either by the appellant or the new owner, being the applicant now. As it stands then, the means of enclosure surrounding Passford Farm Cottage is unauthorised and the requirements of the Notice remain applicable.
- 8.10 The Inspector considered that the fencing surrounding The Barn caused less than substantial harm to the setting of the listed farmhouse, however, as aforementioned, as it was considered to not be within the curtilage of the listed building, permitted development rights are intact which would allow for a means of enclosure to be erected to a height of 2 metres, and this was considered the fallback. Even so, the Inspector granted planning permission for this boundary:
- “Given the current use of the Barn and the need for privacy for the occupiers of both the Barn and the farmhouse, I consider it is highly likely some form of barrier would be erected. Therefore although the current means of enclosure does cause less than substantial harm to the setting of the listed farmhouse the fallback would be little different. Therefore there would seem to be nothing to be gained in planning or heritage terms from refusing permission for the means of enclosure as it stands today.”*
- 8.11 In the case of the boundary treatment at Passford Farm Cottage, due to it being within the curtilage of a listed building (which is not disputed), there is no permitted development fallback position. The treatment which, to recap, comprises a mixture of horizontal timber hit-and-miss fencing approximately 1.8m high to the rear, which changes to a combination of hit-and-miss fencing and substantial planters containing hedging, and then to a lower 'temporary' fencing comprising timber uprights with black mesh panels between at the eastern end of the length with a small section of white painted post and rail fence terminates the boundary at a right angle to the main direction of the fence, is considered to result in less than substantial harm to the setting of the listed building. However, as aforementioned, the appeal decision confirms the severance of the site into three separate planning units, and therefore the principle of each unit having a demarcated boundary has been established. The justification within the enforcement notice in respect of the means of enclosure compounding and facilitating the unauthorised independent use of the buildings is no longer relevant and an objection to the principle of a means of enclosure cannot be sustained.
- 8.12 Therefore, the main considerations relate to the appropriateness of the materials, height, and design of the boundary treatment. Given the evolution of the wider site, it is considered unreasonable now to require the boundary treatment to be completely removed and there be no form of enclosure, as the desire and reasonable need for privacy and security afforded by a form of boundary treatment is justified given the different

ownerships across the site. Whilst, as aforementioned, the current boundary treatment is considered to cause less than substantial harm to the setting of the listed farmhouse. As the Inspector has allowed a standard close boarded fence in a more prominent position around The Barn, it would be unreasonable to suggest that the fence the subject of this application, which is less prominent, arguably higher quality and more visually permeable has any greater negative impact than the fence that has been granted permission. Furthermore, some concession has also been made on the part of the applicant to improve the most visible section of fencing to the front by replacing the black mesh panel with a post and rail fence. Therefore, overall, and as the Inspector concluded in respect of The Barn, it is considered that there would be nothing significant to be gained in planning or heritage terms from refusing permission for the proposed boundary treatment.

### **Conclusion**

8.13 It is therefore recommended that permission be granted.

## **9. RECOMMENDATION**

Grant Subject to Conditions

### **Condition(s)**

1. The development hereby approved, which includes the alterations to the boundary treatment along the front, shall be carried out in full within six (6) months of the date of this permission.

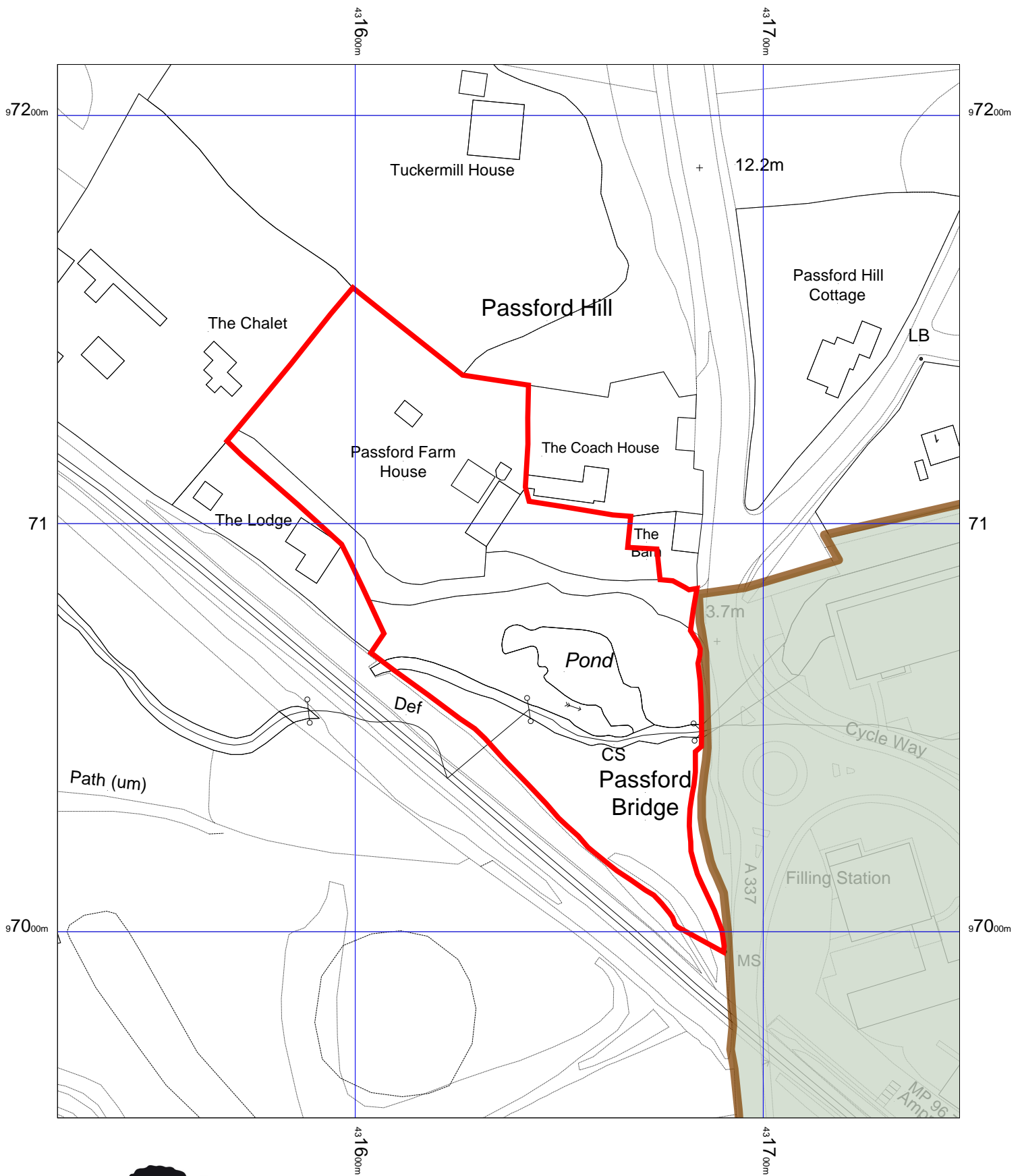
Reason: To ensure an acceptable appearance in accordance with Policies DP2, DP18, SP16 and SP17 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

2. Development shall only be carried out in accordance with drawing number:

04 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).



NEW FOREST  
NATIONAL PARK

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Date: 18/08/2023

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**Scale: 1:1250**

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