

Application No: 22/00455 Full Application

Site: Brambley Hedge, Lyndhurst Road, Landford, Salisbury SP5 2BJ

Proposal: Change of use of land to Gypsy and Traveller family pitch including siting of static caravan with cladding; 1no. building ancillary to static caravan; hardstanding; external lighting

Applicant: Mr Sherred

Case Officer: Carly Cochrane

Parish: LANDFORD PARISH COUNCIL

1. REASON FOR COMMITTEE CONSIDERATION

Significant local interest

2. POLICIES

Principal Development Plan Policies

SP19 New residential development in the National Park
DP2 General development principles
DP18 Design principles
SP6 The natural environment
SP33 Gypsies, Travellers and Travelling Showpeople

NPPF

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

Supplementary Planning Documents

Landford Village Design Statement

3. MEMBER COMMENTS

None received

4. PARISH COUNCIL COMMENTS

Landford Parish Council: Recommend refusal.

All previous planning applications have given great weight, in their decisions, to the impact of the proposals on the landscape character. The numbers and types of structures, and the number of people being

accommodated in this current application, are far greater than the previous applications which have all been refused.

As a result of the increased number of people that will use the site, compared to any previous occupants, the vehicle movements will inevitably be greater. The use of the restricted byway (Latchmore Drove), used regularly by pedestrians, horse riders and bicycles, will not be compatible with an increase in vehicle use. The sightlines at the Latchmore Drove/Lyndhurst Road junction are not suitable for an intensification of use by motor vehicles.

If a gypsy site is needed, another site on Lyndhurst Road has recently been given planning permission for two permanent sites. This site has yet to be utilised for the extra pitch that has been created, so there cannot claim to be a shortage of sites. An existing camp site in New Road also has plenty of availability

5. CONSULTTEES

Planning Policy Officer: Concerns that the applicant does not meet the planning definition of a gypsy; the application does not demonstrate a need for a site within the National Park.

6. REPRESENTATIONS

41 letters of representation have been received, all in objection to the proposal. The comments made are summarised as follows:

- Contrary to policy.
- Would give rise to harmful landscape impacts.
- Does not consider the applicant needs to be located in this area- the applicant has made the claim that he also needs to be in other locations, 40 miles from the application site (Melksham), as part of applications to other local authorities.
- Concern with regard to use of Latchmore Drove by vehicles and levels of traffic/vehicular movements.
- Concern with regard to noise impacts on neighbouring amenity.
- Allocated site at Lyndhurst Road does not appear to have been considered.
- Application contradicts itself and is inconsistent in its facts e.g. there is no clarity as to how many people will occupy the site.
- Development would be harmful to the character and appearance of the area.
- The proposed 'day room' is excessive in scale and akin to a separate dwelling.
- Previous applications and appeal decisions have already determined that the use of the land for such development would be harmful- the previous reasons for refusal have not been overcome.
- Concerns with regard to light pollution.

7. RELEVANT HISTORY

Use of land as a single pitch gypsy caravan site for a temporary period of 5 years (16/00670) refused on 18 October 2016. Subsequent appeal allowed on 19 June 2017.

High Court Order (by Consent) to vacate the land by 16 September 2016 entered into by Mr Whitcher on 25 November 2015.

Change of use of land to single gypsy pitch (12/97573) refused on 15 August 2012. Subsequent appeal dismissed on 23 March 2015.

Enforcement Notice served on 20 July 2005 directed against the stationing of a residential mobile home, amongst other matters, and appeal dismissed on 28 February 2006.

8. ASSESSMENT

Application Site

- 8.1 The application site is located to the southern side of Latchmore Drove and comprises a parcel of land measuring approximately 0.1 hectares. The site is accessed via an unmade track; to the north and bounded by trees is Latchmore Drove, which adjoins the B3079 to the east and Lyburn Road to the west, beyond woodland and agricultural land. The site is surrounded by woodland and agricultural land, and residential properties at Lyndhurst Road are approximately 65 metres to the east.

Proposed Development

- 8.2 This application seeks permission for the use of the land as a single pitch gypsy caravan site, consisting of a static mobile home, 'dayroom', parking space for a touring caravan and two vehicles, with cycle parking spaces and the laying of hardstanding. The site would be occupied by the applicant, his son, grandson and granddaughter.

Consideration

Policy Background

- 8.3 Annex 1 of the Government's Planning Policy for Travellers Sites (PPTS) (2015) sets out the definition of gypsies, travellers and travelling showpeople for planning purposes, as follows:

"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such. In determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to whether they previously led a nomadic habit of life; the reasons for ceasing their nomadic habit of

life, and; whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.”

- 8.4 Policy H of the PPTS sets out that, in determining applications for traveller sites, local planning authorities should consider:
- a) the existing level of local provision and need for sites
 - b) the availability (or lack) of alternative accommodation for the applicants
 - c) other personal circumstances of the applicant
 - d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
 - e) that they should determine applications for sites from any travellers and not just those with local connections.
- 8.5 Paragraph 25 of the PPTS sets out that local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan and should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure. In the determination of an application, weight should be given to
- a) effective use of previously developed (brownfield), untidy or derelict land
 - b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
 - c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
 - d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community
- 8.6 If a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission, however, National Parks are exempt from this level of provision.
- 8.7 Policy SP33 of the adopted Local Plan recognises that the New Forest has a long history of travelling communities, and notes that national policy makes it clear that planning permission should only be granted in national parks for such development where it is demonstrated that the objectives of the designation will not be compromised. SP33 meets the identified need for one additional gypsy pitch within the plan period (2016-2036) as per The Hampshire Gypsy, Traveller, and Travelling Showpeople Accommodation Assessment (GTTSA), through the allocation of land within the curtilage of an existing gypsy site, which is also in Landford. At the time of the GTTSA, the application site was identified as an unauthorised development, and the planning status and

needs of the occupants of that site were considered in determining the overall level of need for gypsy and traveller pitches in the National Park.

8.8 In addition to the allocated site, SP33 seeks to support proposals for the provision of permanent and/or transit accommodation which meets an established need within the gypsy, traveller and travelling showpeople community, where it can be demonstrated that there is a need for the site to be located within the National Park; and:

- a) the impact of the site on the landscape character of the National Park is acceptable;
- b) occupancy of the site will be restricted to gypsies and travellers, and travelling showpeople with a local connection to the New Forest National Park;
- c) the site is well located on a highway network and will not result in a level of traffic generation inappropriate for the roads in the National Park;
- d) there are adequate on-site facilities for parking and storage;
- e) in the case of any permanent site, be located where there are appropriate local facilities (e.g. shops, schools and public transport); and
- f) the site does not detrimentally affect the amenities of surrounding occupiers.

8.9 Policy SP33 of the Local Plan was considered by the Planning Inspectors when conducting the Examination into the New Forest National Park Local Plan. In July 2019 the Inspectors published their Report and concluded that “The criteria in the second part of Policy SP33 provide a positive framework to consider proposals” and that “...given the above and the significant constraints that apply within the National Park, the approach towards Gypsies, Travellers and Travelling Showpeople is justified and consistent with national policy when taken as a whole.”

Site History

8.10 By way of background, the site has previously been used as a single gypsy pitch site and has been subject of several applications and appeals determined by the Authority and Inspectorate. Planning permission was refused in 2012 for the use of the land as a single gypsy pitch for a temporary period of 5 years for the following reasons:

1. Whilst the available evidence indicates that there is a need for additional gypsy and traveller sites in the South Wiltshire housing authority area, it has not been demonstrated that there is a need for the site to be located within the New Forest National Park. This is contrary to policy CP13 of the New Forest National Park Core Strategy and Development Management Policies DPD (December 2010).

2. The proposal would harm the character and appearance of the National Park countryside and it has not been demonstrated that there are exceptional circumstances such as to override this harm. The proposal is therefore contrary to policies CP13 and DP1 of the New Forest National Park Core Strategy and Development Management

Policies DPD (December 2010) and para. 115 of the National Planning Policy Framework.

3. The proposal would result in unacceptable harm to highway safety. This would conflict with the aims and requirements of policies CP19 and DP1 of the New Forest National Park Core Strategy and Development Management Policies DPD (December 2010)

8.11 This decision was appealed by way of a hearing, with permission granted in July 2013. That decision was quashed by order of the High Court over the Inspector's interpretation of Policy CP13 (being the relevant policy at the time) and the re-determination proceeded by way of an inquiry, with the appeal being dismissed in 2015. In dismissing the appeal, the Inspector commented that "Gypsy and traveller development, by its nature, is likely to be harmful to the landscape and scenic beauty of the National Park even though sometimes the individual harm may not be great. By limiting new gypsy development to that with an established local need, Policy CP13 is limiting harm to the National Park and supporting the NPPF objectives, particularly paragraph 115." The wording of Policy CP13 of the Core Strategy (relevant at the time) is not dissimilar to that of SP33 in that it was formed of two elements, being first the requirement to demonstrate a need, and second, the consideration of whether a particular site specific proposal needs to be in the National Park. The Inspector notes that:

"One of the implications of having a locational need requirement is that it limits the scope for new gypsy sites. However I do not find this surprising or unreasonable. Development policies in National Parks are generally restrictive. National advice in Planning Practice Guidance (PPG) is that in assessing whether need can be met local planning authorities should take account of any constraints which indicate that development should be restricted and which may restrain the ability of an authority to meet its needs... the proposal before me fails to satisfy Core Strategy Policy CP13 which requires it to be demonstrated that there is a need for the site to be located within the National Park. I give substantial weight to the policy harm arising from this conflict."

8.12 At the time of this decision, there was a "general unmet need for [gypsy] sites in the National Park". However, SP33 now accommodates the identified need for one additional pitch as per the GTTSAA; this site is understood to be available and therefore the proposal seeks a further pitch in addition to that already provided for.

8.13 An application was made in 2016 for the use of the land as a single pitch gypsy caravan site for a temporary period of 5 years. At the time of the application being made, the site had been occupied unlawfully since 2012 (by the same applicant). The application was largely premised on humanitarian grounds to allow the applicant time to find an alternative site/accommodation. The Authority's reason for refusal is as follows:

"The applicant's residential occupation of the site is contrary to policy CP13 of the adopted New Forest National Park Core Strategy and Development Management Policies DPD. Whilst an application for a

temporary period has been submitted a case has not been made on a humanitarian basis or otherwise to justify granting a temporary planning permission, even for a lesser period than the proposed 5 years. The continued residential occupation of the site with the associated accoutrements and harm that has been identified and accepted at Appeal and which remains is not outweighed and is also contrary to policy DP1 of the aforementioned DPD as well as paragraph 115 of the National Planning Policy Framework and associated Planning Practice Guidance and Planning Policy for Travellers Sites documents.”

- 8.14 The subsequent Inspector's decision concurred with that of the previous Inspector in that the proposal was found to be contrary to the policy requirements as the applicant was unable to demonstrate a need for the site to be located within the National Park, with an unacceptable effect on the landscape character of the area. It was noted that “the conclusion now is similar to that reached previously, that the fact of the appellant’s ownership of the appeal site, given his past history of living outside the National Park area, albeit much of that time prior to designation, does not indicate a strong enough cultural or other attachment such that the requirement of the second limb of the policy is met.” However, the appeal turned only on the best interests of a child (a dependent of the applicant) and a temporary permission was granted. This temporary permission expired in June 2022.

Evidence in support of the application

- 8.15 The Authority has requested additional information on numerous occasions in order to attempt to substantiate the assertions put forward by the applicant’s agent that the proposal is policy compliant. The evidence submitted in support of this application is as follows:

- Design & Access Statement;
- Applicant's Statement;
- Property Search information; and
- Local Property Costs information.

Assessment of the evidence submitted

- 8.16 In the first instance and as per the PPTS, and whilst it is not disputed that the applicant identifies as a Romany gypsy, whether the applicant meets the definition of a gypsy for planning purposes has been raised. The GTTSAA explores the definition of ‘nomadic’, which has been determined through case law, and the implications of these rulings is that the definition will “only include those who travel (or have ceased to travel temporarily) for work purposes and in doing so stay away from their usual place of residence. It can include those who have a permanent site or place of residence, but it will not include those who travel for purposes other than work, such as visiting horse fairs, holidays and visiting friends or relatives. It will also not cover those who commute to work daily from a permanent place of residence. It will also be the case that where some family members travel for nomadic purposes on a regular basis, but other family members stay at home to look after children in education, or other dependents with health problems or due to old age, the household unit

would be defined as travelling under the planning definition. Households will also fall under the planning definition if they can provide information that they have ceased to travel temporarily as a result of their own or their family's or dependants' educational or health needs or old age. In order to have ceased to travel temporarily these households will need to provide information that they have travelled in the past for work purposes, and also provide information that they plan to travel again in the future for work purposes."

8.17 In relation to this, it is asserted that the applicant "has a passion to help protect the 'Forest Gypsy' historic cultural way of life, the language, the passing down of their traditions, and has always followed his cultural heritage. To promote his passion, he has continued to travel countrywide visiting Gypsy and Traveller annual horse fair events such as Appleby, Dereham, Horsmonden, Stow-on-the-Wold, and Wickham. As part of his voluntary liaison work, he supports the Gypsy and Traveller community within Hampshire and Wiltshire, by visiting Gypsy and Travellers that have planning issues advising them in the process, placing them in touch with Professional Planning Services, offering continual support through the Appeal process. Of course, he continues to visit and support relatives near and far." Whilst this demonstrates that the applicant travels for a number of purposes, it is not clear that it is for work purposes as per the definition, and whether the commute is from a permanent place to which the applicant then returns. No information has been provided in relation to the applicant's previous residences, except for information within a representation which implies that the applicant previously lived in a bungalow which belonged to the applicant's son. This has been sold and therefore the applicant is apparently no longer of any fixed abode. No information with regard to employment has been provided with the exception of the voluntary work the applicant undertakes. It is therefore unclear as to whether the applicant previously led a nomadic habit of life, as per the definition for planning purposes. Indeed, the Applicant's Statement confirms that "the Applicant wishes to return to live and die within the New Forest National Park to be close to his friends, family and his cultural heritage. It is not essential for work reasons alone." The question therefore also arises as to whether there is an intention of living a nomadic habit of life in the future, as per the definition.

8.18 As aforementioned, SP33 accommodates an identified need for an additional pitch within an existing gypsy site also in Landford. No information has been provided setting out whether this site would meet the needs of the applicant or not, and why. SP33 requires that a need for a site within the National Park be demonstrated, in addition to the criterion in a)-f); criterion b) restricts the occupancy of the site to those with a local connection to the National Park. Whilst it is not disputed that the applicant has relatives and friends located within the National Park, it can also reasonably be deduced that the applicant has previously lived elsewhere, including outside of the National Park and within a 'bricks and mortar' dwelling and has presumably conducted his voluntary work from these other locations. It can also reasonably be asserted then, that the applicant is not and has not been solely based in the National Park for 'work' purposes. The results of a property search have been submitted which provide a snapshot in time as to the availability of other potential

sites within both the local and wider area (including outside of the National Park); written confirmation from estate agents also confirms that the applicant has been registered with them.

- 8.19 It is clear that affordability and availability of potential sites are key considerations, however, it is also clear that the applicant has considered sites outside of the National Park boundary and therefore it could reasonably be assumed that a suitable site outside of the National Park, yet still close to relatives and friends, would enable the applicant to continue to undertake work within the Wiltshire and Hampshire areas, i.e. in the same areas as the applicant has worked in over the past 30 years. In addition, the Design & Access Statement submits that by allowing the applicant to remain on site would thereby allow the applicant and his family access to the NHS. It is understood that the applicant has ongoing and progressive health issues which are both more recent and historic. It is known that the applicant is registered with a GP in a location not close to the application site, and therefore it is apparent that the applicant is already able to receive relevant medical assistance; it can therefore reasonably be asserted that the access to the NHS is not determined by the applicant residing at the application site.
- 8.20 Overall, based on the information submitted, there does not appear to be a clear locational need for a site within the National Park, aside from a cultural preference, and it has also not been demonstrated that a suitable site outside of the National Park could not otherwise meet the needs of the applicant.
- 8.21 The NPPF confirms that National Parks are afforded the highest level of landscape protection, and the previous Inspectors' decisions commented and concluded that the respective applications would be contrary to the relevant policies which seek to protect the landscape character of the area, and that the harm identified as a result of the developments attracted significant weight. In this instance, the proposal involves the provision of a static caravan to the west of the site, and a 'dayroom' to the south of the site, approximately double the size of the static caravan.
- 8.22 The site lies within the 'West Wellow Heaths and Commons' character area, as set out in the New Forest National Park Landscape Character Assessment, and more particularly the 'Heath Associated Estates' component landscape type, but Latchmore Drove is the boundary with the 'Landford Forest Farmlands' character area, and the 'Ancient Forest Farmlands' component. As found by the Inspector writing in 2014, the strip of predominantly open agricultural land between the rear gardens of properties along Lyndhurst Road and the woodland to the west of the application site makes a positive landscape contribution and is important evidence in the history of the village and the wider cultural landscape.
- 8.23 The site and the proposed static caravan and 'dayroom' are considered to cause harm to the landscape character and appearance of the area; the Design & Access Statement sets out that the site would be eventually screened by mature native trees and hedgerows, and that a temporary 1.8 metre high close boarded fence could be erected in the meantime to provide screening. It is considered that this would only serve to

compound and exacerbate the already identified harmful landscape impact, and the green boundary treatment would still serve to encroach on the open character of the area and would be viewed as “disruptive intrusions” as per the findings of the Inspector in 2017.

- 8.24 In respect of the remaining criterion of SP33 it is not considered that the proposed development would result in a level of traffic generation inappropriate for the surrounding highway network, and by reason of the size of the site, there would be adequate on-site facilities for parking and storage; these have been specifically shown on the submitted plans. Whilst not located within one of the four identified defined New Forest villages, the site is not so isolated from the existing settlement of Landford that it could reasonably be concluded that access to local facilities and amenities was unattainable. The site has access to a shop and Post Office, educational facilities, recreation ground and a bus route, all of which can be reached without the need for the use of a private vehicle.
- 8.25 In relation to the impact upon neighbouring amenity, given the separation distances between the application site and respective rear boundaries of properties along Lyndhurst Road, it is not considered that the development would give rise to an unacceptable level of noise or loss of privacy, as was concluded by the Inspector in 2017.
- 8.26 Finally, all applications for net new dwellings and other forms of overnight accommodation are required to address their recreational and nutrient impacts on internationally protected sites. The application is silent on this matter, and therefore the proposal does not provide appropriate mitigation in relation to any such impacts arising from the development.

Conclusion

- 8.27 Notwithstanding that some of the criterion of Policy SP33 can be met, these do not outweigh the fundamental policy conflict in that it is not considered that there is a need for the site to be located within the National Park. The harm caused through the use of the site for the intended purposes has already been confirmed and established by appeal Inspectors. It is not considered that the applicant has clearly demonstrated the need to be located within the National Park. It is therefore recommended that the application be refused.

9. RECOMMENDATION

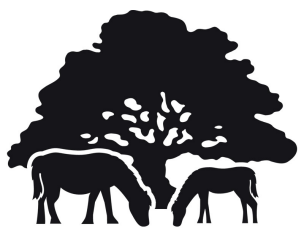
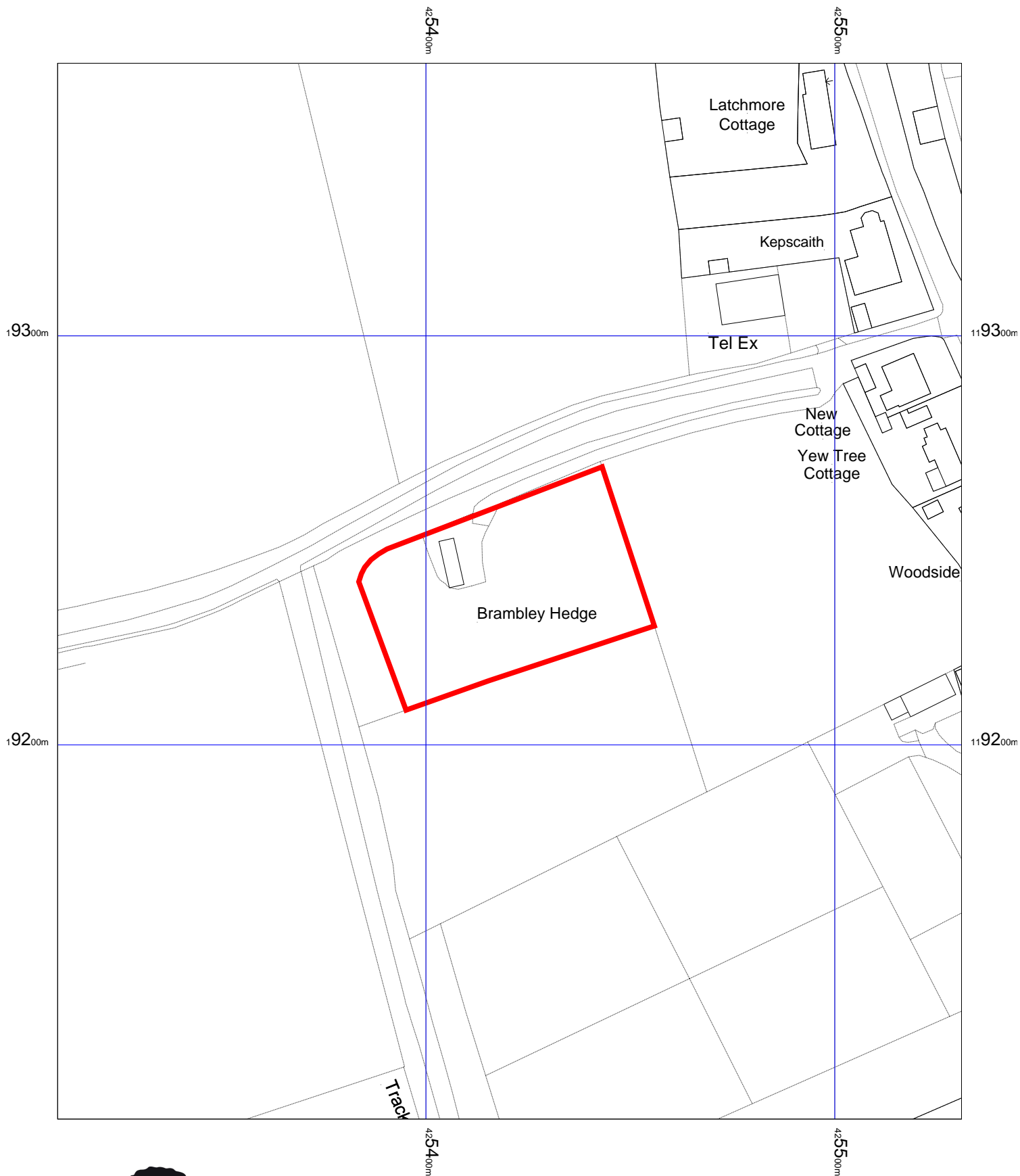
Refuse

Reason(s) for refusal:

1. Insufficient information has been provided in order to ascertain the gypsy status of the applicant for planning purposes, and the need for an additional single gypsy pitch caravan site within the National Park has not been satisfactorily or clearly demonstrated. Further, it has not been demonstrated that there is a locational need which cannot be met by an alternative site outside of the National Park,

particularly considering the proximity of the site in relation to the National Park boundary. The harm caused to the landscape and visual amenity of the area previously identified by appeal Inspectors remains and is not outweighed by the apparent compliance with some of the criteria within Policy SP33. The proposal is therefore contrary to Policies DP2, DP18, SP15, SP17 and SP33 of the adopted New Forest National Park Authority Local Plan (2016-2036), as well as paragraph 62 of the National Planning Policy Framework (NPPF) and the associated Planning Policy for Travellers Sites document.

2. It has not been demonstrated to the satisfaction of the National Park Authority that, through adequate mitigation measures, there would not be significant in-combination impacts on the ecological integrity of designated nature conservation sites (SPA, SAC, Ramsar), through recreational pressures, or through adverse impacts on water quality. The proposal would therefore be contrary to Policy SP5 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019) and Section 15 of the NPPF.



NEW FOREST
NATIONAL PARK

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

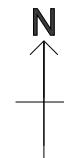
Tel: 01590 646600 Fax: 01590 646666

Date: 05/06/2023

Ref: 22/00455

Scale: 1:1250

© Crown copyright and database rights 2023 Ordnance Survey 100014703



Application No: 22/01069FULL Full Application

Site: The White House, Main Road, Walhampton, Lymington SO41 5RE

Proposal: Installation of Solar Photovoltaic PV panels and cabling

Applicant: David Harris

Case Officer: Ethan Townsend

Parish: BOLDRE PARISH COUNCIL

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. POLICIES

Development Plan Designations

Conservation Area

Principal Development Plan Policies

- DP2 General development principles
- DP18 Design principles
- SP14 Renewable energy
- SP15 Tranquillity
- SP16 The historic and built environment
- SP17 Local distinctiveness

NPPF

- Sec 15 - Conserving and enhancing the natural environment
- Sec 16 - Conserving and enhancing the historic environment

3. MEMBER COMMENTS

None received

4. PARISH COUNCIL COMMENTS

Boldre Parish Council: Recommend refusal for the reasons listed: Feel this requires investigation; concerned about change of use; loss of grazing; lack of clarity due to absence of briefing notes

5. CONSULTEES

Tree Officer: No objection.

6. REPRESENTATIONS

Two objections have been received from neighbouring properties. The concerns relate to the potential for a precedent to be set regarding loss of agricultural land, impact on landscape and neighbouring amenity, the impact on ecology, trees, and water table/flow, encroachment of the curtilage onto agricultural land and the suitability of the location of the panels.

7. RELEVANT HISTORY

Installation of children's play equipment (18/00595) granted on 20 September 2018

Reposition summerhouse (12/97233) granted on 30 April 2012

Application for Certificate of Lawful Development for proposed use of land for fruit growing (11/96940) approved on 25 January 2012

Porch; Chimney; Alteration to Fenestration (10/95054) granted on 17 May 2010

Two-storey outbuilding (07/92137) granted on 07 November 2007

Side conservatory; front and rear porches; detached garage (04/82282) granted on 22 September 2004

Extension to lounge and bedroom over and add family room. (NFDC/88/39527) granted on 26 October 1988

8. ASSESSMENT

Application Site

- 8.1 The White House is a substantial, detached dwelling which incorporates an attractive design and traditional use of materials, located within the Forest South East Conservation Area. The property lies within an extensive plot and is set well back from its boundary with Main Road. Prominent deciduous trees and close boarded fencing provide screening along this boundary. The south west and north east boundaries are adjoined by detached dwellings which also lie within spacious plots.

Proposed Development

- 8.2 This application seeks planning permission for the installation of 19 ground mounted solar panels to the rear of the residential curtilage of The White House. The panels would be free standing within a RenuSol tub. They would measure 1.7 metres in width and would be 0.4 metres in height. The proposed solar panels would produce electricity for the owners of The White House.

Consideration

- 8.3 The relevant considerations relate to compliance with Policy SP14 on renewable energy and the impact upon the landscape, the conservation area, trees, and neighbouring amenity.
- 8.4 Policy SP14 of the Local Plan relates to renewable energy and states that development proposals incorporating renewable energy generation, other than wind energy, will be permitted where they are small scale, are located and designed to have minimum visual impact and do not have an adverse impact on the special qualities of the National Park. The panels would be sited on a paddock located to the rear of the curtilage of The White House. The site owner has provided further information relating to why this location is optimal for the solar panels. The roof of the dwellinghouse is very broken up which would make it ineffective for solar panels. Furthermore, if the panels were sited on the roof, they would be visible within the conservation area. Similarly, the front of the roof of the garage is shaded by trees and would be unsuitable whilst the roof faces the wrong orientation to be effective. Whilst ground mounted panels could have been sited within the garden, the shading caused by trees surrounding the site would minimise their effectiveness. The proposed location has been identified as optimal for efficient solar energy.
- 8.5 The proposal would provide electricity purely for domestic purposes for the dwellinghouse. The number of panels would be commensurate with the energy output of the dwellinghouse and would provide a renewable, energy source to the dwelling. The siting of the array within the agricultural land to the rear of the garden would not be visible from the main road due to its distance. The site is well screened and concealed from external public vantage points. The low height of the solar panels would mean that their visual impact from outside of the site would be minimal. As such, it is not considered that the proposal would result in any significant adverse impact upon the landscape or the character and appearance of the conservation area in accordance with Policies SP14, SP7 and SP16.
- 8.6 Two letters of objection have been received from occupiers of nearby properties. Both properties are concerned with the loss of agricultural land for the siting of solar panels and the potential to set a precedent within the area. In this case, the land still has the potential for use as grazing land, as animals would still be capable of grazing around the land. With regards to a precedent being set, each case is judged on its individual merits and, in this instance, the impact on the landscape and surrounding area would be minimal in accordance with Policy SP14.
- 8.7 With regards to the impacts on trees, the trees on and adjacent to this site are protected by virtue of growing in a conservation area. The fruit trees shown to be removed have no public amenity value and could easily be relocated or replaced. Therefore, the Authority's Tree Officer has no objection to the proposal.

- 8.8 In relation to ecology, the solar panels would be sited in tubs, not fixed into the ground or requiring any hardstanding therefore their impact would be limited. Plants and wildlife would still be able to grow around the panels.
- 8.9 The site in which the panels are to be located has a low water table, however, water would still be able to flow freely through the gaps in the tubs so as not to exacerbate the current situation. Furthermore, the proposal does not include or require lighting and therefore would not have an adverse impact on the wildlife or tranquillity of the area.
- 8.10 Policy DP2 seeks to ensure all development would be appropriate and sympathetic and have no adverse impacts on amenity. Two objections have been received with regard to potential impacts on neighbouring amenity. The proposed panels would be sited 40 metres and 60 metres from 3 Wallhampton Cottages and The Lodge respectively. Due to the distance from neighbouring properties, the low height of the panels and the presence of hedges and trees surrounding the site, it is not considered that the proposed solar panels would result in any adverse visual impacts upon neighbouring amenity.

Conclusion

- 8.11 The proposed development would contribute towards the provision of low carbon, renewable energy and is capable of being accommodated on the site without adverse impact on the landscape, character and appearance of the conservation area, trees or neighbour amenity. The proposal is therefore in accordance with Policies DP2, SP7, SP14, SP15, SP16 and DP18 of the adopted Local Plan.

9. 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.

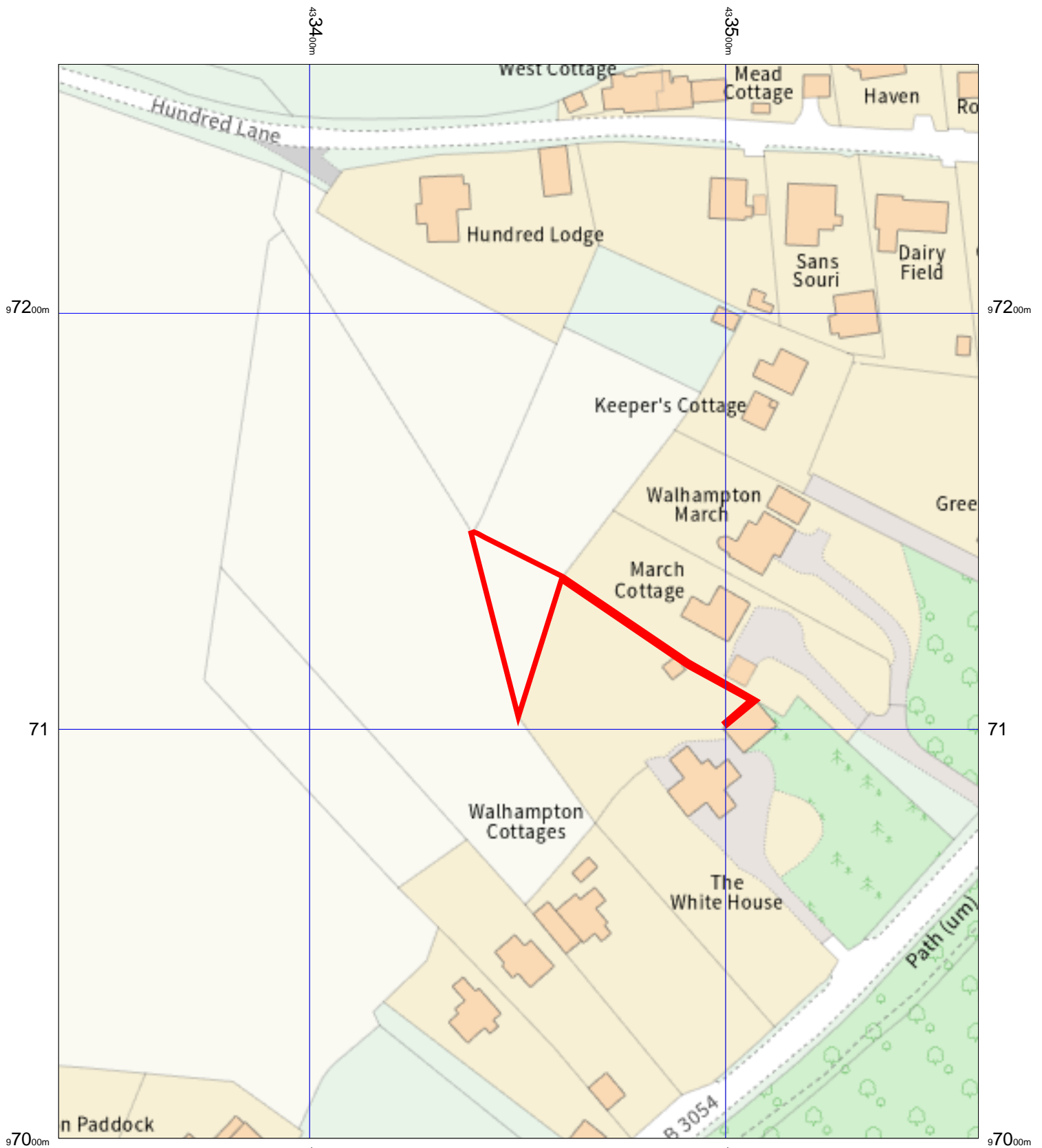
2. The development shall only be carried out in accordance with the Solar Panel Specification submitted on 28 April 2021, unless otherwise agreed in writing by the New Forest National Park Authority.

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).

3. Development shall only be carried out in accordance with drawing nos: THW-SPV 1, THW-SPV 2, TWH SPV 3, TWH SPV 4, TWH SPV 5.

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

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

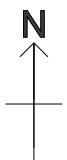
Tel: 01590 646600 Fax: 01590 646666

Date: 06/06/2023

Ref: 22/01069FULL

Scale: 1:1250

© Crown copyright and database rights 2023 Ordnance Survey 100014703



Application No: 23/00133FULL Full Application

Site: Beechwood House, Royden Lane, Boldre, Lymington SO41
8PE

Proposal: Freestanding carport and garage

Applicant: Neil Fletcher

Case Officer: Claire Woolf

Parish: BOLDRE PARISH COUNCIL

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. POLICIES

Development Plan Designations

Conservation Area

Principal Development Plan Policies

DP2 General development principles

DP18 Design principles

DP37 Outbuildings

SP15 Tranquility

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

3. MEMBER COMMENTS

None received

4. PARISH COUNCIL COMMENTS

Boldre Parish Council: Initial comment:

Recommend refusal for the reasons listed.

Concerned that this application is to service existing buildings which are being used for residential purposes that are not permitted to be used for these purposes.

Two of the consultations given for this present application come from owner/occupiers at 'Stables' Beechwood House and 'The Studio' Beechwood House. Therefore, residents of the development are being asked to comment on this.

Planning application - 19/00133 - for a large animal stables was granted in 2019. It is not known which outbuilding 'The Studio' Beechwood House refers to. No drawings of the site including the location of the consultees was made available to the Parish Council.

Second comment:

Boldre Parish Council maintains its view:

The 'agent's' email does not explain why two large garage blocks are required for this property or why the named consultees are owned by the applicant and one is a stable block. Surely these views are of no value?

Initial planning comments still stand. The additional letter only increased our concern about the status of the outbuildings at Beechwood that have a separate council tax and business rates and were listed as consultees on the planning application for yet more garaging. All rather a strange situation that the comments which the Parish Council do not consider to be addressed.

5. CONSULTEES

Tree Officer: No objection.

6. REPRESENTATIONS

None received.

7. RELEVANT HISTORY

Single storey extension; orangery (20/00935) granted on 23 March 2021.

Stable block (19/00243) granted on 25 September 2019.

First floor extension; dormer window (18/00238) granted on 29 May 2018.

Tennis court and chain link enclosure fence (04/81500) refused on 28 June 2004. Appeal allowed 16 March 2005.

Erect outbuilding comprising of garages and boat store (demolish existing outbuildings) (02/75330) granted on 26 July 2002.

Ground and first floor additions and roof alterations (99/66961) granted on 09 September 1999.

House & access - extn of time limit on PP 47135 (NFDC/96/58320) granted on 08 March 1996.

Change of use to within garden curtilage (99/67782) refused on 04 January 2000. Subsequent appeal allowed on 04 October 2000.

Erection of a house and access (demolish existing) (NFDC/91/47135) granted on 26 April 1991.

Erect house and access alts (dem extg house) (NFDC/90/45752) refused 27 September 1990. Subsequent appeal dismissed on 30 November 1990.

8. ASSESSMENT

Application Site

- 8.1 Beechwood House, previously Lower Riversdale and Riversdale Cottage, is a detached dwelling located in the Forest South East Conservation Area. The property is a two-storey dwelling, built mainly of brick and tile with some render and tile hanging features. It is located on a generous plot on the west side of Roydon Lane. There is a large outbuilding close to the front boundary, set on a gravel parking area. The site rises to the rear of the house and the boundaries are mature planting.

Proposed Development

- 8.2 Permission is sought for a detached outbuilding for the storage of three cars. Two of the bays would be open to the front elevation, and one enclosed by oak doors. The external materials would be plain clay tiles, timber weather boarding, brick plinth and vertical tile hanging. The outbuilding would be 5.4 metres in height and would have a 50 square metre internal area.

Consideration

- 8.3 The key issues to assess are:
- Whether the proposed development would accord with Policy DP37;
 - The impact upon the character and appearance of the conservation area, plot and street scene;
 - The impact upon trees; and
 - The impact upon neighbouring amenity.
- 8.4 Policy DP37 sets out that domestic outbuildings will be permitted where they are proportionate and clearly subservient to the dwelling they are to serve in terms of their design, scale, size, height and massing. The proposed outbuilding would be designed as a carport and garage with differing materials to the host dwelling, such that it would be easily distinguishable from the host dwelling and be of a height, scale, size and

massing which is considered to appear clearly proportionate and subservient to the dwelling which would be viewed approaching the dwelling from the access. The proposed outbuilding would be located within the established curtilage of the host dwelling and adjacent to the land granted as garden curtilage following an appeal in 2000. The proposed outbuilding would be used for the storage of cars associated with the occupiers and visitors to the property and not for or associated with any commercial use and not providing additional habitable accommodation. An appropriate condition would be applied. The proposed outbuilding and dwelling are located in a spacious plot, such that the private amenity space and parking provision would be retained at an acceptable level in accordance with Policy DP37.

- 8.5 Policy SP17 relates to impacts on the existing character of the National Park and states that development that would erode the existing character of the National Park or have a gradual suburbanising effect will not be permitted. The proposed outbuilding would have a half-hip feature, which has already been used in the adjacent outbuilding, such that the outbuildings would have very similar roofing form and materials. The height of the proposed outbuilding would be lower than the existing building, also identifying it as a subservient outbuilding. The proposed outbuilding would use materials to match the existing outbuilding of timber cladding and clay roof tiles. A condition is recommended requesting the materials of the proposed outbuilding to ensure an acceptable appearance to the proposed building to accord with Policies DP2, SP16 and SP17.
- 8.6 The proposed and existing outbuilding would form a courtyard layout with the buildings framing the access which is located between. The Parish Council raised concerns regarding the need for a further outbuilding at this site for garaging. The planning agent has set out the outbuilding would be used for cars associated with the occupiers of the house and visitors and the enclosed area for a lawn mower and bikes. The addition of the proposed outbuilding would not result in the overdevelopment of the plot and is therefore considered to comply with the requirements of this policy. The proposed outbuilding would match the existing built forms and materials on the site and would therefore blend into the character of the conservation area in this location. The outbuilding would not be readily visible from the street scene due to its location set back from the road and intervening outbuilding and vegetation. The proposal is considered to accord with Policy SP16.
- 8.7 Trees on and adjacent to this property are protected by virtue of growing within the conservation area. The Authority's Tree Officer has considered whether there would be any impact upon trees. The proposed carport and garage would have no direct impact on any important amenity trees. The removal of a small clipped Cypress hedge and a small apple tree would have little or no impact upon public visual amenity and there are no objections to the application on tree grounds.
- 8.8 The application form sets out that 'subtle' external downlights are proposed. A condition is recommended requiring the details to be submitted setting out the specification and location of the lighting, in order

to ensure that any proposed lighting would be appropriate to the conservation area and site context in accordance with Policies DP2, SP15, SP16 and SP17.

- 8.9 The proposed outbuilding would be located within a large plot, away from any other properties, and as such would not result in any unacceptable adverse neighbour amenity impact in accordance with Policy DP2 e).
- 8.10 The Parish Council raised concerns following consultations sent on the application, which included letters being sent to 'Stables' and 'The Studio', all within the ownership of Beechwood House. Concern has been raised in relation to the use of the buildings for commercial purposes or providing separate residential accommodation on the site with the link to this application being that the garaging proposed could serve unauthorised uses.
- 8.11 The planning agent has set out the scenario relating to these buildings. The matters raised in connection with the annexe building and stable are not considered to be material in themselves to the consideration of acceptability of the proposed outbuilding under policies DP2, SP16, SP17 and DP37 of the New Forest National Park Local Plan.

8.12 **Conclusion**

For the reasons set out above, permission is recommended subject to conditions.

9. **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: 02 Rev C, Location Plan (showing proposed garage), Location 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 building 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).

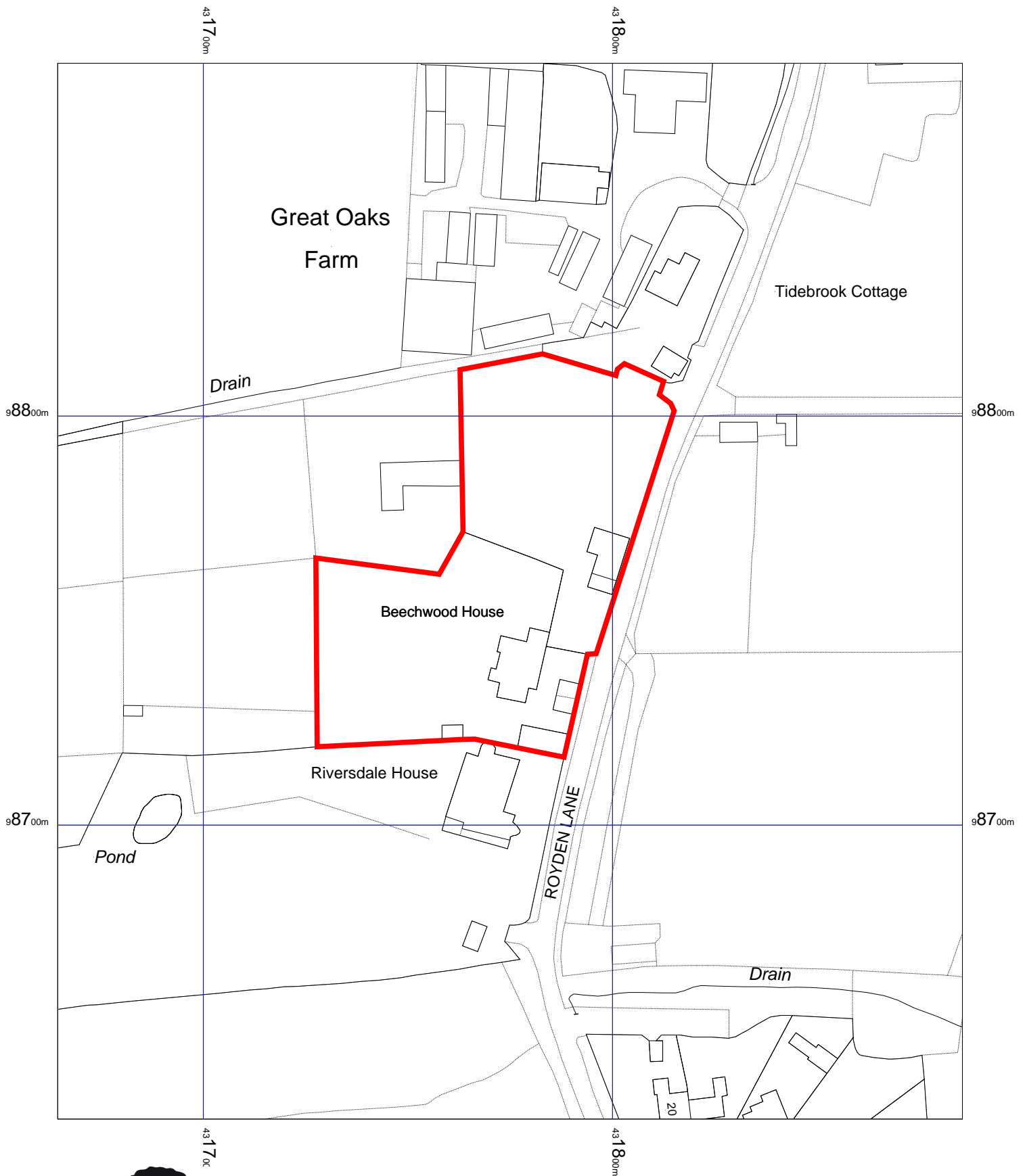
4. No external lighting shall be installed on the site unless details of such proposals have been submitted to and approved in writing by the New Forest National Park Authority.

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).

5. No development shall take place above slab level until samples or exact details of the facing and roofing materials 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 building in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).



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

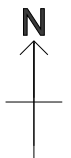
Tel: 01590 646600 Fax: 01590 646666

Date: 05/06/2023

Ref: 23/00133FULL

Scale: 1:1250

© Crown copyright and database rights 2023 Ordnance Survey 100014703



Application No: 23/00419FULL Full Application
Site: 34 Rhinefield Close, Brockenhurst SO42 7SU
Proposal: Relocation and replacement of side boundary fence
Applicant: Mr & Mrs Edwards
Case Officer: Carly Cochrane
Parish: BROCKENHURST PARISH COUNCIL

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. POLICIES

Principal Development Plan Policies

DP2 General development principles
 DP18 Design principles
 SP17 Local distinctiveness

NPPF

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

3. MEMBER COMMENTS

None received

4. PARISH COUNCIL COMMENTS

Brockenhurst Parish Council: Recommend refusal. Concur with the points raised by Friends of Brockenhurst in their objection. The land was designated as an open space or as a landscaping feature when originally developed. It is considered that ownership does not give the right to enclosure. We have concerns over the visual impact of this application; that it would be overbearing on the street scene. As boundary line matters are not planning issues, we would request clarification of this aspect.

5. CONSULTEES

None required.

6. REPRESENTATIONS

Nine letters of representation have been submitted in objection to the proposal, summarised as follows:

- Visually reducing the width of the alleyway will make it feel like a tunnel, no longer like a country path, less open, less welcoming and less secure to lone walkers, particularly at night.
- Adverse impact upon the visual and public amenity of the area, with a urbanisation of the pathway.
- Concern with regard to loss of plant life.
- Covenant relating to hedge species, property frontages, and extensions, and the path to Wilverley Road should be kept clear and open to emergency vehicles.
- Concern that the relocation of the fence would inhibit access and width of the alleyway would be reduced, particularly affecting those with young children and those requiring mobility aids.

Friends of Brockenhurst raise an objection to the application, and have made the following comments (summarised):

- Ownership does not give the right to enclosure- the land was designated as open space or a landscaping feature when it was originally developed, and nothing has changed.
- High close boarded fencing is against National Park guidelines.
- The proposal would make the path less attractive.

7. RELEVANT HISTORY

Single storey side extension; extension to front porch, greenhouse; new vehicle and pedestrian entrance gates; fencing; new brick wall (19/00015) granted on 27 February 2019

Single storey extension (15/00174) granted on 27 April 2015

Fourteen houses each with a double garage (NFDC/75/02611) granted on 16 June 1975

8. ASSESSMENT

Application Site

- 8.1 The application site is located to the southern side of Rhinefield Road and comprises a detached property with detached outbuilding within the front driveway area. The western site boundary adjoins an unadopted footpath which connects Rhinefield Road with Wilverley Road, and there is a metal five-bar gate and pedestrian gate across the footpath (not within the ownership of the application site) which aligns with the rear boundary of the property. The property is currently enclosed by a 2.3 metre high close boarded fence and trellis which aligns with the rear elevation of the outbuilding, with the outbuilding forming part of the means of enclosure, however, the property boundary is approximately

between 1.9 metres and 1.2 metres (north to south) west of the existing means of enclosure, along the concrete edge of the tarmac path.

Proposed Development

- 8.2 This application seeks permission for the erection of a 2.3 metre high close boarded fence and trellis as per that existing, however, located between 1.2 metres and 650mm (north to south) west of the existing fenceline. The southernmost section measuring approximately 2.8 metres would be unchanged in order to maintain the existing access arrangements with the gates.

Consideration

- 8.3 Concern has been raised by the Parish Council, local residents and Friends of Brockenhurst in relation to the perceived 'narrowing' of the footpath, with concerns that it could hinder access and result in a tunnelling effect, to the detriment of the visual amenity of the area.
- 8.4 For clarity, the tarmac footpath has a width of approximately 3.2 metres; this would not change. There would remain a planted 'buffer' of circa 500mm which is within the ownership of the applicant, between the concrete edge of the tarmac footpath and the proposed fenceline. This would mirror the arrangement at number 32 Rhinefield Road, with its eastern boundary fence (also close boarded fence with trellis) set back circa 500mm from the respective concrete edge of the tarmac footpath and which also features planting within this 'buffer'. The distance between the fence at number 32 and the proposed fence at number 34 would be circa 4.2 metres. The footpath itself would not be reduced in width, and, as the southernmost 2.8 metres of the existing fence would not be altered, there would remain sufficient space for users of the gates and footpath. Whilst it is reasonable to suggest that frequent users of the footpath would notice a change in the total width of the opening, the proposed development is not considered to result in a narrowing or tunnelling effect which would alter the character of the footpath or result in any detrimental visual amenity impact; indeed, the footpath is wider than most typical pedestrian footpaths found throughout Brockenhurst.
- 8.5 The Authority's Design Guide Supplementary Planning Document (SPD) identifies that close boarded fences can appear oppressive, although the Design Guide also acknowledges that fences are more appropriate within the larger village settings. The site is located within the defined village, and within a relatively densely developed residential area. The use of high close boarded fencing is not uncommon as it provides a level of privacy which cannot be achieved through most other means of enclosure, or any means of enclosure of a lower height. Given the close proximity of dwellings and, in this instance, the fact that the entirety of the western boundary is parallel with a public footpath, it is not unreasonable for the applicant to require privacy and security. It is therefore not considered that the erection of a 2.3 metre high boundary treatment would appear incongruous in this context.

Conclusion

- 8.6 It is therefore recommended that permission be granted, as the proposal is in accordance with Policies DP2, DP18 and SP17 of the adopted Local Plan (August 2019).

9. RECOMMENDATION

Grant Subject to Conditions

Condition(s)

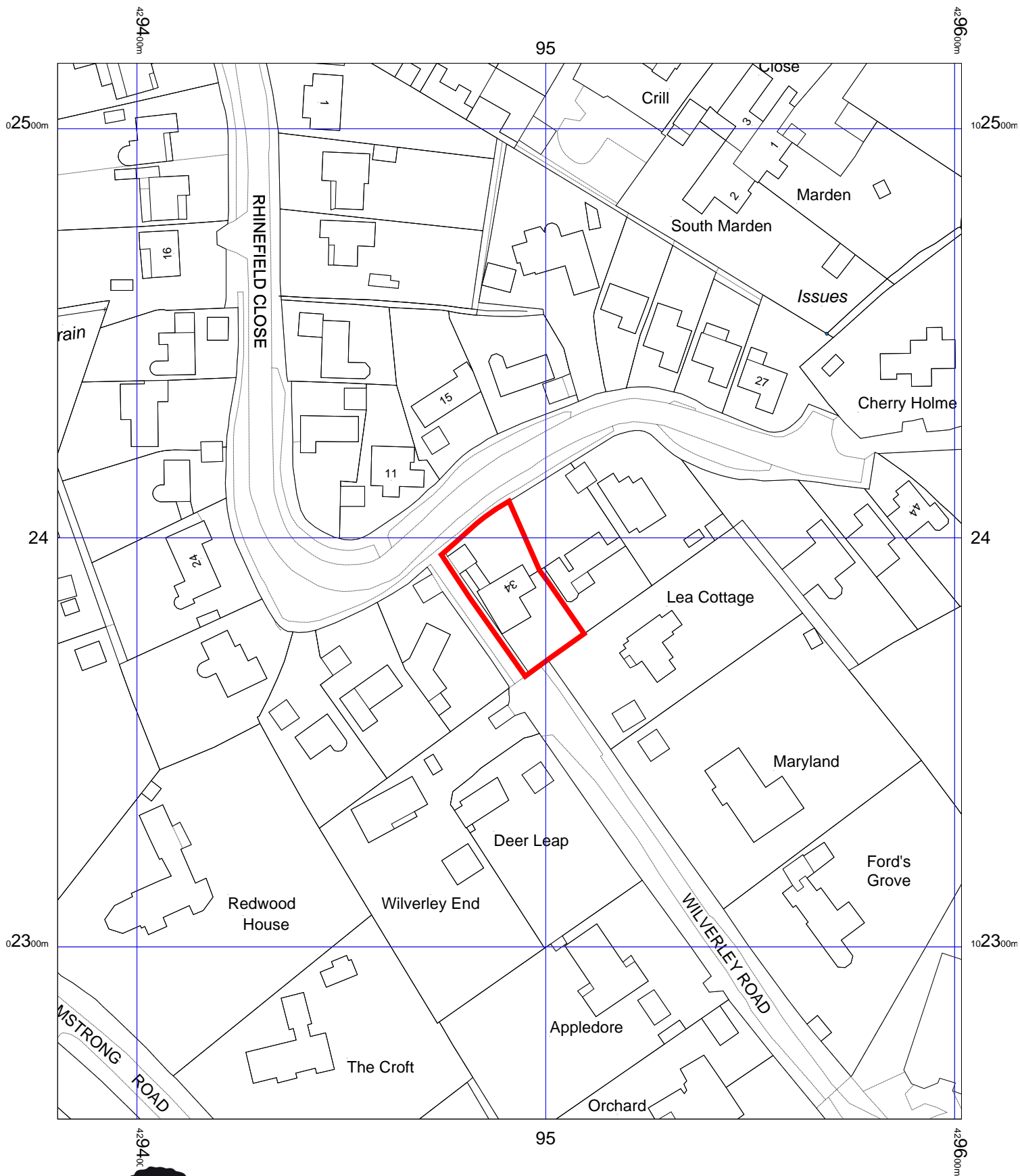
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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 no: PL/01

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 Authority
Lymington Town Hall, Avenue Road,
Lymington, SO41 9ZG

Tel: 01590 646600 Fax: 01590 646666

Date: 05/06/2023

Ref: 23/00419

Scale: 1:1250

© Crown copyright and database rights 2023 Ordnance Survey 100014703

