

**Application No:** 23/00925FULL Full Application

**Site:** Broadhill Cottage, Broadhill Lane, Blissford, Fordingbridge, SP6 2JH

**Proposal:** Reconstruction of dwelling; air source heat pump; demolition of garage

**Applicant:** Mr M Meisels

**Case Officer:** Liz Marsden

**Parish:** Godshill Parish Council  
Hyde Parish Council

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**1. REASON FOR COMMITTEE CONSIDERATION**

Contrary Parish Council view

**2. POLICIES**

**Development Plan Designation**

Conservation Area

**Principal Development Plan Policies**

- SP17 Local distinctiveness
- DP2 General development principles
- DP18 Design principles
- DP36 Extensions to dwellings
- SP16 The historic and built environment
- DP35 Replacement dwellings

**Supplementary Planning Documents**

Design Guide SPD

**NPPF**

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

### **3. MEMBER COMMENTS**

None received

### **4. PARISH COUNCIL COMMENTS**

Godshill Parish Council: Resolved to recommend refusal on the following grounds:

- Important documents missing from the application, notably:
  - A biodiversity checklist or report. This is a mandatory local requirement and the state of the dwelling and site has potential to provide habitat for a number of species which has not been assessed.
  - Drainage plan. The submitted statement specifies that the site is connected to the mains sewer, which is not correct. It is not considered to be satisfactory for the drainage details to be provided as a discharge of condition and they should be made available at this stage.
  - Construction method statement.
- Do not consider that an air source heat pump was suitable or compatible with the retention of the cob wall.
- If the remaining cob wall cannot be retained, any amendment should be by way of a further application and not considered under delegated powers.
- Mitigation should be provided for the light spillage from the roof lights in the kitchen and proper consideration given to any external lighting.
- It is noted that the garage was subject to an Enforcement Notice and that it will be demolished.

### **5. CONSULTEES**

Conservation Officer: These proposals have been the subject of pre-application discussions and provided a phased approach to rebuilding which has been informed by cob specialists and structural engineers. There are still a number of unknowns, most significantly related to the structural integrity of the brick-built part of the dwelling that is still standing and it will be essential to maintain a dialogue between the developers throughout the development phase to ensure that the construction is acceptable. A number of conditions are proposed.

Ecologist: Whilst additional information is required about the extent of the ecology on the site, this is able, in this case, to be addressed by means of conditions.

### **6. REPRESENTATIONS**

Four letters of objection and comment on the grounds that:

- The term 'reconstruct' is a play on words to elude to it being a replacement.

- Previous applications were not accepted by the authority as they stated that no proposals would be acceptable and they deemed the land to be undevelopable land. This has not changed.
- The policies that have been upheld at appeal were those of the Planning Department.
- Will be essential to ensure that the ridge height of the cottage is not increased as it would ruin its proportions to the detriment of the conservation area.
- Concerned that the reconstruction is in fact a rebuild as the floorspace of the proposal is larger than the original.
- No need for the application including the demolition of the garage which is already the subject of an enforcement notice.
- The site needs to be cleared and confirm exactly what material will be re-used before any application is considered.
- Air source heat pump will not be effective with the insulation levels of the original steel framed windows which would be salvaged and reused. They will not work with this type of building.
- Larger 'reconstruction' would, if approved, raise the question of whether the previous applications were wrongly refused and leave the Authority open to being sued for damages.
- Information provided in the application, whilst appearing comprehensive, is vague and open to misinterpretation as is apparent in the comments of the BD&C officer.
- It appears that there has been an acceptance of a 0.5m increase in ridge height, leading to the potential for a number of other alterations including larger windows etc.
- Conditions not sufficiently stringent and the Authority would not appear to have the resources to enforce them.

## **7. RELEVANT HISTORY**

Replacement dwelling; retention of outbuilding with alterations (20/00068) refused on 12 May 2020. Subsequent appeal dismissed on 06 December 2021

Replacement dwelling; retention of two storey outbuilding (18/00968) refused on 11 February 2019. Subsequent appeal dismissed on 09 August 2019

Dwelling; outbuilding (demolition of existing dwelling) (18/00483) withdrawn on 12 September 2018

## **8. ASSESSMENT**

### **Application Site**

- 8.1 Broadhill Cottage is located on a long narrow plot adjacent to an unmade access lane, within a rural setting in the Western Escarpment Conservation Area. The dwelling has been identified as a non-designated heritage asset

(NDHA), the original part of which was constructed from cob with an old two-storey extension at one end and more modern single-storey additions. It is, however, in an extremely dilapidated condition, with sections having collapsed and the site has become very overgrown so that little of the remaining dwelling is visible from outside the site. There is a flat roofed double garage at the eastern end of the site.

- 8.2 There is recent planning history, with two appeals for replacement dwellings having been dismissed. Both of the previous applications had slightly higher ridge heights than the original cottage and features/materials that were unsympathetic to it. They also included a substantial garage building which was considered to be disproportionate and not subservient to the dwelling. The Inspector, in his determination of the most recent appeal, attached considerable weight to the harm to the NDHA and conservation area that would result from the complete removal of the existing dwelling on the site. This harm was not outweighed by any identified benefits and the appeal was therefore dismissed.

### **Proposed Development**

- 8.3 The current proposal seeks permission for the phased reconstruction of the original building, in line with pre-application discussions, using the same or reclaimed materials where possible, including cob for the original part of the cottage. The, still standing, two-storey extension on the east end is to be retained and repaired, if structurally feasible. A more sympathetically designed, single-storey, lean-to extension is proposed to the west side and to the north, where it would reflect the form of the original cat slide roof to the cottage. The garage is to be removed and the area used for two parking spaces and waste/recycling storage.

The key considerations are:

- Whether the proposals would be appropriate to the NDHA and sufficient to conserve the heritage asset and cultural heritage of the National Park.
- The impact on the conservation area.
- The implications for Policies DP35 and DP36 in terms of floor space. The cottage is a small dwelling for policy purposes.
- Any impact on neighbouring amenity.
- Any impact on ecology.

### **Consideration**

- 8.4 Policy DP35 of the New Forest National Park Local Plan 2016-2036 states that the replacement of dwellings will be permitted except where the existing dwelling makes a positive contribution to the historic character and appearance of the locality. The Inspector, in the determination of the previous appeal, recognised that the collapse and loss of much of the fabric of the building had clearly diminished the significance of the cottage though he went on to say that *'due to its age and rarity, even in its current condition, Broadhill Cottage, retains some historic and architectural value*

*and significance, albeit very modest. Accordingly, I find that it should still be considered as an NDHA' (para. 25).* Therefore, under Policy DP35, the loss through replacement of such a heritage asset is not supported.

- 8.5 The case made by the applicant of the previous proposals is that the dwelling had deteriorated so far that there is no choice but to replace it. However, the NPPF is clear in that "where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision" (paragraph 196). It should be noted that the condition of the property has deteriorated since the first application was submitted to the Authority in August 2018 when the building was clearly intact. Prior to its collapse, insufficient information had been submitted to justify the demolition and loss of the NDHA, although investigations, which included the removal of large areas of the concrete render, had been carried out. The removal of the concrete exposed the cob, which then deteriorated rapidly to the point of collapse. A structural report carried out in August 2018 clearly identified the instability of the front wall, the need for its stabilisation, and likelihood of further progressive deterioration.
- 8.6 The Inspector found that the owner of the property, at that time, did not take reasonable steps to address the progressive decline in the condition of the cottage prior to its collapse nor, following the collapse, appropriate work carried out to protect the remaining parts of the cottage. In the absence of any detailed assessments of the structural condition of the building or the specifications as to the works needed to restore it, the Inspector concluded that allowing it to deteriorate further was a deliberate decision. The PPG explains that, where there is deliberate neglect of a heritage asset in the hope of making permission easier to gain, the deteriorated state of the asset should be disregarded.
- 8.7 It was also noted by the Inspector that all of the applications that had been submitted prior to and including the most recent appeal were for the complete demolition and replacement of the cottage and that there was little evidence that any other options had been considered. In the Inspector's view, the appeal proposal was not the only possible solution available for the site.
- 8.8 The current application seeks to provide an alternative solution that would effectively replicate the original cottage on the site, saving and reusing as much remaining historic fabric as possible. The height of the building would remain the same as the original (evidenced by the remaining section of the historic side extension), it would be constructed on substantially the same footprint, with the exception of a small increase at ground floor level, and the central part of the cottage which formed the historic 'hovel' would be constructed from cob. The resultant building would therefore have a similar scale and impact as the original, prior to its deterioration and collapse. Whilst it is recognised that the majority of the cottage, or possibly all of it, if the remaining section is found to be incapable of retention, would in fact be new build, the sympathetic reconstruction would reinstate the historic

features of the NDHA, a building that is considered to be of historic and cultural significance. The proposal would therefore restore the positive contribution that the cottage formerly made to the character and appearance of the conservation area.

- 8.9 The proposal must be assessed in light of the public benefits that would be derived from the development. The Inspector in his assessment of the previous proposal acknowledged that there would be some benefit from the contribution of a habitable, modest sized dwelling and its restoration of the longstanding residential use of the site, both of which would be applicable in this case. However, it was not considered at that stage that these benefits were sufficient to outweigh the decreased contribution to the character and appearance of the conservation area that would have resulted from the replacement building. The public benefit to the character and appearance of the area that would be derived from current proposal to essentially reconstruct the cottage, should therefore be given considerable weight.
- 8.10 There are proposed to be two new rooflights in the catslide roof to the rear of the property and the Parish Council have raised a concern that it could result in an adverse on the tranquillity and night skies of the area. The applicants have confirmed that the glazing in these units would be blackout 'smartglass', which with the use of light sensors, would significantly reduce light emissions at night, whilst allowing natural daylight in. Other windows would either reuse the existing (refurbished) or be designed to match them.
- 8.11 In terms of construction, a phased method is proposed, with the first phase being the dismantling of the existing structure and storage of material, followed by the reconstruction of the cob part of the dwelling. There is a detailed construction methodology statement, submitted as part of the application and the Authority's Building Design Conservation Officer confirms that the information is acceptable. However, given the degree of uncertainty over the retention of the remaining two-storey section of the building, due to potential issues over its structural integrity, has advised that continued dialogue is maintained between the National Park officers and the construction team throughout the construction period order to ensure that the final details of major works is agreed prior to their commencement. The Parish Council have referred to the lack of a Construction Method Statement, but a condition requesting this has been included.
- 8.12 Objections to the development have been raised on the grounds that the previous owner of the site could be seen to have been unfairly treated, having been consistently refused consent, with the reasons for refusal having been given that 'no proposals would be acceptable' and the land was deemed to be undevelopable. This is not in fact the case. The reasons related to the loss of the NDHA and its replacement with a dwelling of modern construction which would be detrimental to the local character and distinctiveness of the National Park and its built historic environment. The current proposal differs from the refused applications in a number of significant ways, retaining the proportions of the original dwelling and using traditional construction methods. The use of cob, in particular, was noted by

the Inspector as having a distinctive form, texture and qualities that would not be achieved by modern rendered blockwork.

- 8.13 Policy DP35 and DP36 also provide restrictions as to the size of replacement dwellings or extensions to existing properties. In this case, the original dwelling was a small dwelling for the purposes of Policy and therefore any increase in habitable floor area was restricted to a maximum of 100 sq.m. The proposed dwelling would be reconstructed on substantially the same footprint as the original cottage though slightly increased at ground floor level, due to squaring off the single storey extensions to side and rear. The resultant floor area of the property would still be well within the size limitations of Policies DP35 and DP36.
- 8.14 In terms of potential impact on neighbouring amenity, the proposal would result in a dwelling of substantially the same size and height as the original and would therefore have no increased impact through loss of light or outlook. There are to be no additional windows at first floor level that would result in potential loss of privacy through overlooking and it is not therefore considered that the proposal would adversely affect the residential amenities of occupants of adjacent properties.
- 8.15 The description of the application refers to the demolition of a garage located at the eastern end of the site. However, this is an unauthorised structure on which an enforcement notice has been served and therefore is required to be removed, regardless of the outcome of the current application and consideration of this aspect of the proposal is not applicable to the determination of the application.
- 8.16 Concern has been raised about the lack of any drainage details, with the point having been made that the application form erroneously states that the foul waste is connected to a main sewer. It is recognised that this is not the case and details of foul and surface water drainage measures have been requested during the course of the application. The applicant's agent has confirmed that whilst it is believed that there is a septic tank on the site, the condition of the land is such that it has not been possible to identify its location and the site would need to be cleared in order to do so. Given the desirability of installing a modern package treatment plant, which would be much more efficient and environmentally preferable than a septic tank, it is considered that, as there is sufficient room within the site to be able to accommodate such a feature, together with measures to control surface water run-off, these elements can be the subject of appropriate conditions. It should also be noted that the previous applications on the site did not provide any drainage information and was not included as a reason for refusal. Whilst the lack of any attempt to deal with surface water issues was referred to in the Inspector's decision, this was insofar as it related to the continued deterioration of the building, rather than as a material consideration in the acceptability of the development. It is not therefore considered that it would be possible to sustain an objection to the proposal on drainage grounds.

- 8.17 A number of comments that have been received referring to the introduction of an air source heat pump (ASHP), which it is claimed would not be effective with a cob construction. Whilst there may be technical reasons why this is the case, the agent has confirmed that the ASHP is shown on the plans as an option to improve the sustainability of the dwelling. Should it be found to be an inappropriate solution, then it would not be used, but its inclusion at this stage precludes the requirement for a further application.
- 8.18 It is noted that there was little consideration of the impacts of the proposal on the ecology of the area at the time of the previous applications, despite the potential to support protected species due to the rural location and age of the property. Preliminary surveys have been carried out during the course of the application and identified moderate potential for bats to be present in some parts of the structure, though given the lack of an enclosed roof void, this would be limited to crevices, which do not provide suitable spaces for the more sensitive and important uses such as maternity roosts. In these circumstances and given the Ecologist's view that it is possible to anticipate the types of mitigation/compensation that are most likely to be required, the use of conditions to ensure the delivery of such measures is not inappropriate. This would be a proportionate approach to enable works to prevent further deterioration of the NDHA are carried out by providing assurance to the applicants that the principle of the development is acceptable, whilst ensuring that the ecology of the area, including other species such as birds and reptiles, is not harmed and would be enhanced in accordance with Policy SP6.

## **Conclusion**

- 8.19 The proposed would be materially different from the applications the subject of the previously dismissed appeals in that it would result in the sympathetic reconstruction, using traditional materials, of an identified non-designated heritage asset that contributes positively to the character and appearance of the conservation area. The development would not exceed policy limitations or have an adverse impact on neighbour amenity and ecological sensitivities can be appropriately mitigated. It is therefore in accordance with Policies DP2, SP6, SP15, SP16, SP17, DP18, DP35 and DP36 of the New Forest National Park 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. Development shall only be carried out in accordance with plans:

PP-001 – Location plan

PP-002 – Block plan

PP-004 – Proposed site plan

PP-010 – Proposed ground floor plan

PP-011 – Proposed first floor plan

PP-012 – Proposed roof plan

PP-018 Rev A – Proposed 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. The building hereby approved shall only be constructed from the materials salvaged from the existing building (excluding concrete slab and render), and any shortfall in useable materials shall be made up of matching materials.

Reason: To protect the character and architectural interest of the building in accordance with Policies DP2, SP16, SP17 and DP18 of the New Forest National Park Authority Local Plan (Adopted 2019).

4. No development shall take place above slab level until samples or exact details of any new 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 Policies DP2, SP16, SP17 and DP18 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

5. No development shall take place until details of the means of disposal of foul and surface water from the site have been submitted to and approved in writing by the New Forest National Park Authority. These shall include:

- a) specification of the type and location of any package treatment plant

- b) specification and location of soakaways or other SUDS
- c) rain water goods design and location

Development shall only take place in accordance with the approved details.

Reason: To ensure that the drainage arrangements are appropriate and in accordance with Policies DP2 and SP16 of the New Forest National Park Authority Local Plan (Adopted 2019).

6. Prior to the commencement of development, including any demolition, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the New Forest National Park Authority. The CEMP shall include:
- Details of all areas to be demolished and the method for maintaining the safety and stability of the building fabric identified to be retained.
  - Details of the agreed foundation laying design and method
  - Structural details including tying brick and cob together, and proposed timber framing

These items should be supported by a structural engineer's drawings and/or a method statement.

Development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the New Forest National Park Authority.

Reason: To protect the character and architectural interest of the building and ensuring that no damage is caused to the part of the building which is to be retained in accordance with Policies DP2, SP16, SP17 and DP18 of the New Forest National Park Authority Local Plan (Adopted 2019).

7. No development shall take place until a construction management plan has been submitted to and approved in writing by the National Park Authority. The plan shall include:
- (a) A programme of and phasing of demolition (if any) and construction work;
  - (b) The provision of long term facilities for contractor parking;
  - (c) The arrangements for deliveries associated with all construction works;
  - (d) Access and egress for plant and machinery;
  - (e) Protection of pedestrian routes during construction;
  - (f) Location of temporary site buildings, compounds, construction material and plant storage areas;
  - (g) details of the disposal of any spoil from the site
  - (h) a 'before and after' photographic record of the verges and

ditches along Broadhill Lane and its junction with Blissford Road to ensure that any damage caused by delivery or construction vehicles is reinstated to an acceptable standard.

Reason: In order to minimize the amount of disruption to users of the highway and neighbouring properties , in the interests of highway safety and visual and residential amenity in accordance with Policies DP2, SP17 and DP18 of the New Forest National Park Local Plan (adopted 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.

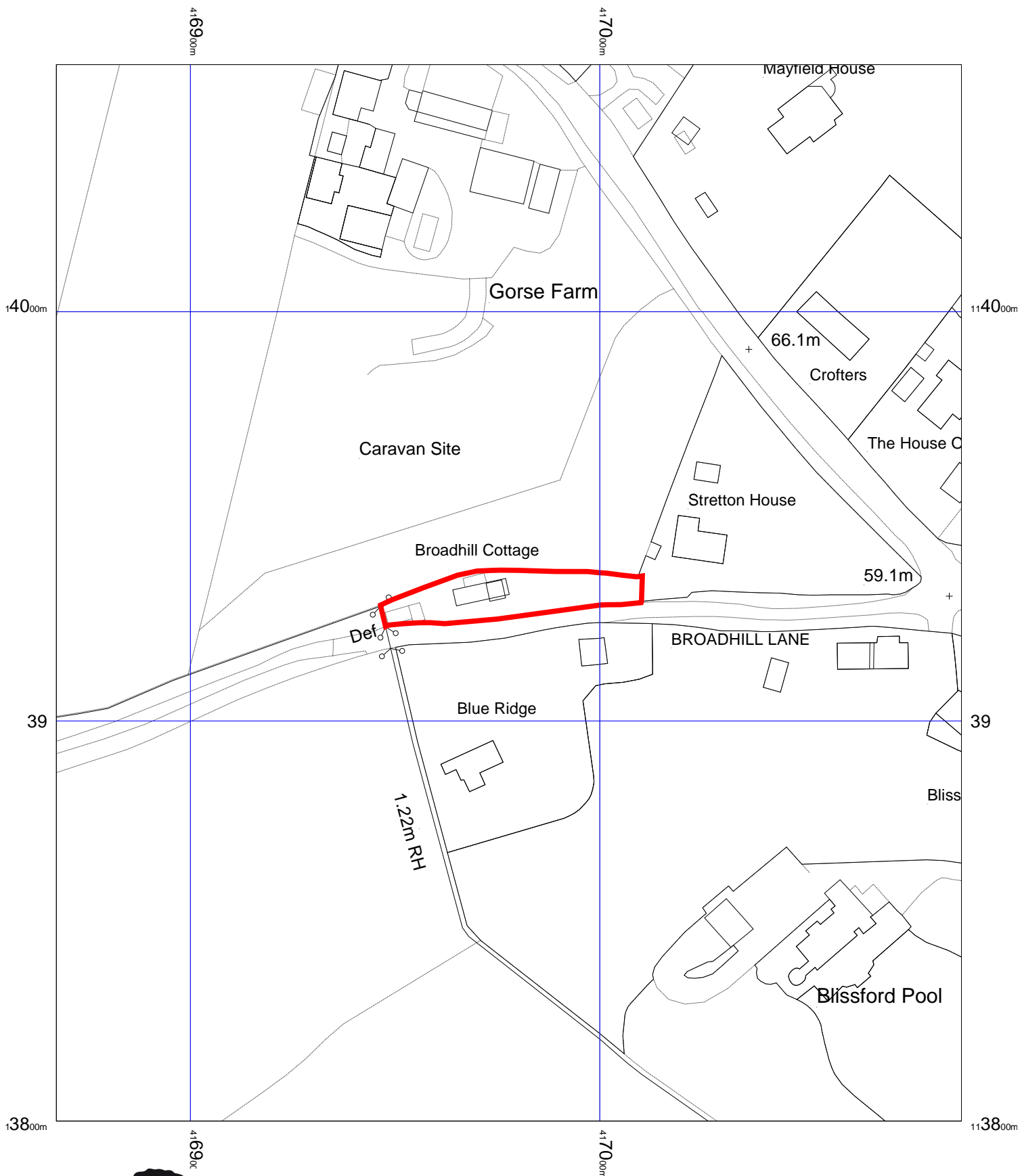
Reason: To protect the amenities of the area in accordance with Policies DP2 and SP15 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

9. Prior to the commencement of development (including site and scrub clearance), other than any temporary measures to be put in place to protect the remaining part of the existing building, full details of proposed measures for ecological mitigation and enhancement (including timescales for implementing these measures) shall be submitted to and approved in writing by the National Park Authority. The measures thereby approved shall be implemented and retained at the site in perpetuity.

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

**Informative(s):**

1. All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 41 of the Conservation of Habitats and Species Regulations 2010. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given the relevant contact number for Natural England, which is 0300 060 3900.



NEW FOREST  
NATIONAL PARK

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