

**Application No:** 23/01681FULL Full Application

**Site:** Forest End, Norley Wood Road, Norley Wood, Lymington SO41 5RX

**Proposal:** Single-storey extension; outbuilding; alterations to windows; cladding; rendering; solar panels; air source heat pump; demolition of existing conservatory and outbuilding

**Applicant:** Mr & Mrs McCarthy

**Case Officer:** Lindsey Chamberlain

**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
- DP36 Extensions to dwellings
- DP37 Outbuildings
- SP14 Renewable energy
- SP15 Tranquillity
- SP16 The historic and built environment
- SP17 Local distinctiveness

**Supplementary Planning Documents**

Design Guide SPD

**NPPF**

- Sec 2 - Achieving sustainable development
- Sec 12 - Achieving well-designed and beautiful 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: Recommend refusal, for the reasons listed.

It is evident from the plans and the history of the site that this application would result in an increase of more than 30% and is therefore contrary to permitted increase. No case notes available online.

### **5. CONSULTEES**

Building Design and Conservation Officer: Support subject to conditions.

- The existing house is dated in its design, the proposals offer a valuable opportunity to update the exterior elevations of the bungalow whilst significantly upgrading the energy efficiency of the dwelling.
- The retention of an existing dwelling over its demolition and replacement is welcomed.
- The proposed use of further timber cladding and render will enable insulation to be provided within the existing structure.
- The use of dark window frames will also help the building recede into the landscape and enhance the character and appearance of the conservation area.
- Overall, this is a well-considered scheme, which is attempting to significantly enhance the energy efficiency of a dated and poorly performing dwelling, whilst modernising its exterior.

Ecologist: Comment:

- The reports that accompany this application establish the presence of bat species associated with the property.
- The proposal results in the destruction of a known roost and also other features of high bat potential and thus the tests of the Habitats Regulations must be engaged.
- The use by protected species is a significant one (maternity roost) whilst the works will be supported by a full licence, currently the Authority would have no locus in terms of post completion checks or monitoring the functionality of the compensation. I would recommend that a suitable condition secures such information be provided to the Authority but would accept the case officer's decision in this respect.
- Overall, though, I would have no objection, subject to works being conditioned to be carried out strictly in accordance with the recommendations and specifications of the report unless otherwise agreed in writing.

### **6. REPRESENTATIONS**

1No. Objection:

- The 1989 planning application saw a massive increase to the gross internal area of Forest End above the properties 'original' gross internal area (measured as at 1 July 1982) of 155m<sup>2</sup>.

- Albeit marginal, this application seeks to further increase the floor area of the property. Given the gross internal area of the house is already far in excess of 30% greater than the internal area as at 1 July 1982 this application should be refused.

## 7. RELEVANT HISTORY

Two single-storey additions, porch and conservatory (NFDC/89/41369) granted on 18 April 1989.

## 8. ASSESSMENT

### Application Site

8.1 Forest End, is located in a rural setting in the conservation area, adjacent to Ramsar, SPA, SAC and SSSI designated sites. There is a dense area of foliage and trees that screens the property from the road, in addition, the property is set down from the road. The property is a bungalow that consists of both brick and vertical cladding to the walls with a copper roof. To the rear of the property are a large set of glazed doors that provide views over the garden to the side, the south of the property, this side elevation is the location of the existing conservatory. Permission was granted in 1989 (NFDC/89/41369) for two single-storey additions, porch and conservatory, this footprint is unchanged to today.

### Proposed Development

8.2 The proposal seeks to remove an existing conservatory at the side of the property and replace it with an Oak framed sun room with copper roof. There would be no change to the existing floor area. A solid copper roof, matching the main dwelling, is proposed to this addition. This replacement of the conservatory would be 3.4 metres in height, 0.5 metres below that of the main dwelling and only 0.1 metres above that of the current conservatory. The width of the proposed extension that would replace the conservatory is 5.15 metres, this would be narrower than that in situ, which is 5.6 metres wide, to allow for the squaring off of the edges but yet remaining at the same floor area to that which was granted in 1989.

8.3 In addition to the above, the following development is proposed:

- Solar panels are proposed to the south elevation, 15 No. panels in total.
- An air source heat pump is proposed to replace the existing, located on the side elevation, to the north, no specification details are provided currently.
- Render to parts of the main dwelling on each elevation, together with replacing the cladding with cedar cladding, again part on each elevation.
- All windows are proposed to be replaced with grey aluminium framed windows.
- Proposed alterations to the windows:

- Front elevation, enlargement of the existing high-level window and obscuring of four panes of glass on this elevation.
  - Side elevation to the north, removal of one small window.
  - Side elevation to the south, the area beneath the proposed solar panels currently has eight glazed panes, these are to be replaced with four larger panes, however, the amount of glazing remains unaltered, just reconfigured.
- 8.4 Together with the proposed alterations to the main dwelling, an outbuilding, denoted as a studio, is proposed to be sited in the north-eastern corner of the site, there are three existing outbuildings currently in this location consisting of two timber sheds and a greenhouse. The proposed block plan indicates that only the studio would be located in this area. This proposed studio would have a footprint of 20.5 sq. metres and an overall height of just over 3 metres.
- 8.5 The key considerations when assessing this application are:
- Whether the materials and design of the proposals would be aligned to policy (DP18).
  - Whether the proposed extension to dwelling has regard to the scale and character of the core element of the original dwelling (DP36).
  - Whether the outbuilding, together with any other buildings on the site, would appear proportionate and subservient to the main dwellinghouse (DP37).
  - The impact on the character and appearance of the conservation area (SP16).
  - Whether the development is sympathetic in form and the material and treatments used are appropriate to the site and its setting and if there would be any adverse impact upon neighbouring amenity (DP2).
  - Whether there would be any adverse impacts on the Park's local character and distinctiveness (SP17).
  - If there would be any adverse impact on the tranquillity of the National Park in terms of light pollution (SP15).
  - Whether the development for renewable energy generation is small-scale and provides energy for the individual household, located and designed to have minimal visual impact and have no adverse impact on the landscape character, natural beauty, wildlife, tranquillity or other special qualities of the National Park (SP14).

### **Consideration**

- 8.6 Prior to the 1989 the existing dwelling had an internal floor area of approximately 155 sq. metres. Following the 1989 application, NFDC/89/41369, this enlarged the property beyond that of the limitations of Local Plan Policy DP36 and thus the total floor area that exists today is 265 sq. metres. This is over the 30% tolerance

as detailed in Policy DP36. However, whilst this is contrary to the policy that exists today, this approval was granted in 1989 prior to the current policy context. Whilst the Parish Council and one representation have been received objecting to the proposal on the grounds of floor area, these comments were received prior to the plans being revised. The updated plans have addressed these concerns bringing the proposed side extension in line with the floor area of the property that exists today, that approved in 1989. The proposal therefore comprises a reconfiguration of the 1989 floor space and would not increase the habitable floor space any further beyond the 30% than currently exists. It would be unreasonable to remove any of the habitable floorspace as it now exists. However, a condition would be reasonably applied removing permitted development rights as the rear wall is still intact.

- 8.7 In respect of design considerations, the existing side conservatory is more of a traditional design and the proposal seeks to replace this structure with a square-sided sun room. The proposal would be narrower in width to accommodate for the change in shape and need to adhere to the floor area that exists today. The proposed structure would replicate the copper roof that exists on the main dwelling, this is considered acceptable given this replaces a polycarbonate roof and given the location of the site within the conservation area and the impact of light pollution is of concern. An Oak frame is proposed, and the use of natural traditional materials is favourable, aligning to the Authority's Design Guide. The materials used in the construction would be sympathetic to the main dwelling and act as a reflection of the main dwelling's copper roof, whilst being subservient, continuing the character which would preserve and enhance the character and appearance of the conservation area. This proposed extension would be sited to the side of the dwelling concealed by dense foliage and trees, thus there would be no adverse impact on neighbouring amenity.
- 8.8 The existing property consists of vertical cladding and facing brickwork, the proposal seeks to replace and extend the areas of clad timber, that will be left to naturally silver, with the remaining brickwork being rendered as detailed on the proposed elevations in white render. It is noted by the Authority's Building Design and Conservation Officer that it is favoured to allow the timber to naturally silver, in addition whilst the render is acceptable, the colour should be softened to a neutral colour, cream or light beige, rather than a pure white. As such, the materials and finish will be controlled by condition. These alterations are not considered to cause any adverse impact upon the local distinctiveness of the New Forest National Park.
- 8.9 There are a number of alterations proposed to the fenestration at the property, with the replacement of all the windows with grey aluminium framed alternatives. The property already has significant glazing and the proposal seeks to alter the configuration of the larger paned windows, remove one window on the north elevation and enlarge another to the front, eastern elevation.

There is no increase in the glazing to the property and therefore there is no further adverse impact from light pollution.

- 8.10 A Preliminary Roost Assessment has been undertaken and there are a number of roosts identified. Following consultation from the Authority's Ecologist it is noted that an ecology report has been provided by a suitably qualified and experienced ecological professional and that the presence of bat species has been identified. This proposal does result in the destruction of a known roost and other features of high bat potential, thus the tests of the Habitats Regulations must be engaged. The Authority must therefore be satisfied that the three tests for obtaining such a licence would be met. The first and second tests relate to the work being in the public interest (this is met by its being in compliance with adopted Policy) and there being no satisfactory alternative (the development is the appropriate means of meeting the homeowners' requirements). The third test relates to the maintenance of the conservation status of the population of protected species. Overall, providing the works are carried out in strict accord with the recommendation and specifications of the report, this test is capable of being met. A condition to secure the recommendations of the ecological report to be submitted to the Authority is appropriate to ensure that the proposed development would be in accordance with Policy SP6. In addition, a condition will be applied in that monitoring and post-completion checks are to be supplied within a timely period.
- 8.11 With regards to the renewable energy that is part of the proposal, the property already has an air source heat pump and this application seeks to replace this unit, no details are currently available, therefore to ensure the unit is for small scale, as that already installed, for the use of the individual household, this installation is acceptable, however, the details of the unit will be controlled by condition to ensure there is no adverse impact on the conservation area or that of neighbouring amenity with regards to the noise implications. In addition to the air source heat pump, 15 no. solar panels are proposed to the southern elevation roof, this aspect is away from the open forest and that of the neighbouring amenity and the installation would be beneficial with regards to renewable energy generation.
- 8.12 Lastly, this application seeks the addition of a studio, this studio is proposed to be sited behind the property on the western elevation. There are currently outbuildings in this location. However, the plans indicate that the proposed outbuilding, noted as being a studio, not for additional habitable accommodation and given the siting at the rear of the property, will not adversely impact parking or private amenity in any respect. The height and mass of the studio would be subservient to the main host dwelling, and materials used in the construction considerate to the site. The proposal would comply with Policy DP37.

## **Conclusion**

8.13 It is therefore recommended that permission be granted subject to conditions, as the proposal is in accordance with Policies DP2, DP18, DP36, DP37, SP6, SP14, SP15, SP17 and SP16 of the adopted Local Plan and the National Planning Policy Framework.

## **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; or

The carrying-out of any further extension or enlargement to the dwelling otherwise permitted under Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order subsequently revoking or re-enacting that Order;

whichever is the sooner.

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 and to ensure the dwelling remains of an appropriate size in accordance with Policies DP35 and DP36 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

2. Development shall only be carried out in accordance with the following supporting documents and plans:
  - Proposed Ground Floor Plan, DWG No.: DAK/NW/07 Rev D
  - Proposed Elevations, DWG No.: DAK/NW/08 Rev D
  - Proposed Inset Elevations, DWG No.: DAK/NW/11 Rev B
  - Proposed Roof Plan, DWG No.: DAK/NW/13 Rev B
  - Location Plan, DWG No.: DAK/NW/01
  - Proposed Block Plan, DWG No.: DAK/NW/03
  - Proposed Floor Plan & Elevations – Outbuilding, DWG No.: DAK/NW/09
  - Sustainability Statement

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

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

3. The external roofing materials, to be used in the development shall match those used on the existing building, unless otherwise agreed in writing by the New Forest National Park Authority.

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

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

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

5. The outbuilding denoted as a studio, 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).

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

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

7. No development shall take place above slab level until the specification of the air source heat pump to be installed 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 SP14 and DP2 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).



8. No development shall take place above slab level until samples or exact details of the facing materials; timber cladding and render, 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).

9. Unless otherwise agreed in writing by the National Park Authority, development shall only take place in accordance with the recommendations for ecological mitigation and enhancement which are set out in the ecological report: Ecological Impact Assessment, Dated December 2023, hereby approved. The specified measures shall be implemented and retained at the site in perpetuity.

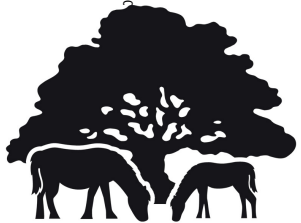
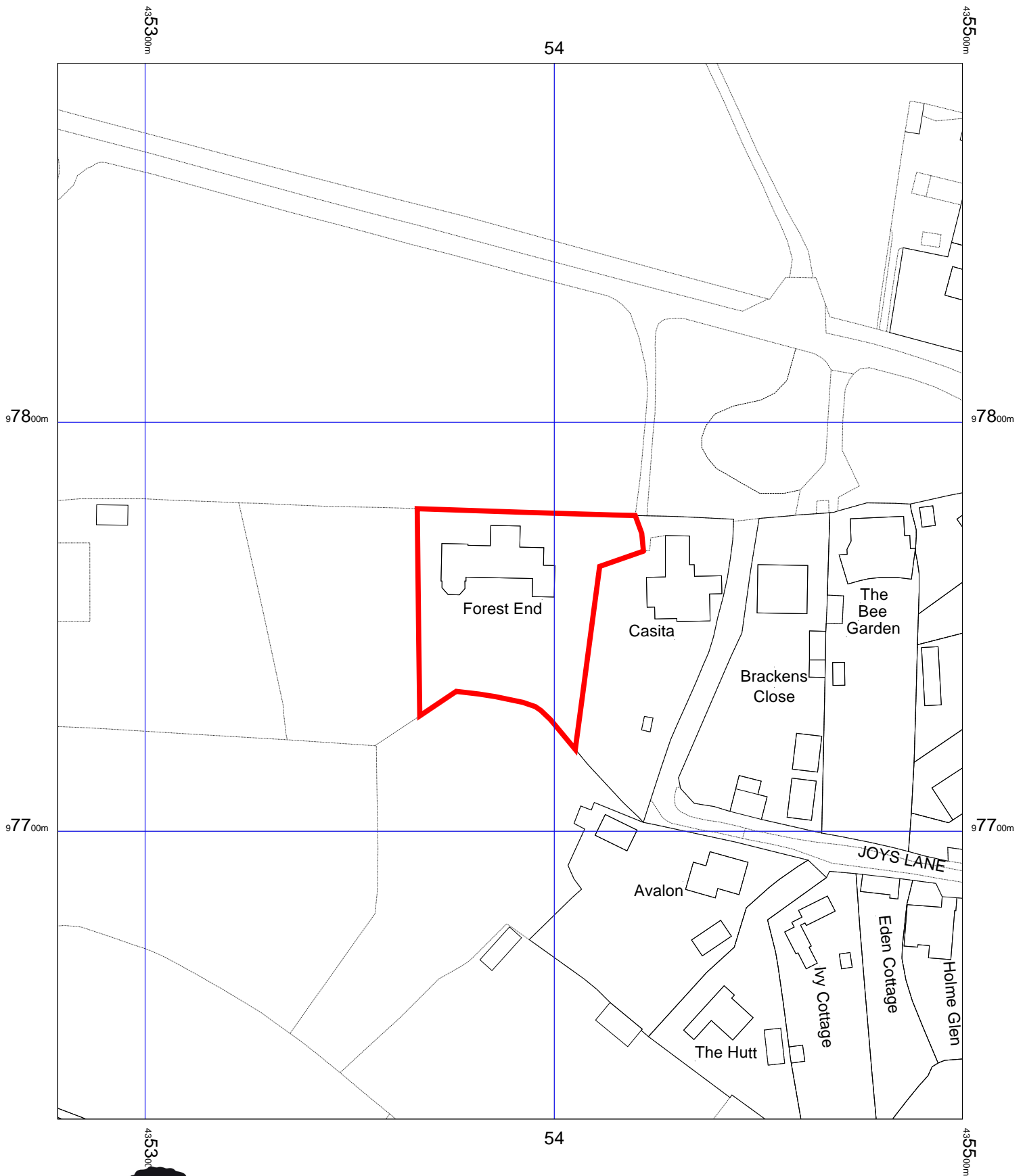
Reason: To safeguard protected species in accordance with Policies DP2 and SP6 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

10. Within three months of the completion of the development, the ecological mitigation and enhancement measures shall be inspected by the Ecologist to ensure that they are functional and in accordance with the requirements of the submitted reports. Written confirmation of these measures shall be provided to the Local Planning Authority.

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).

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

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



NEW FOREST  
NATIONAL PARK

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

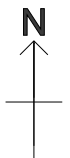
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Date: 05/04/2024

**Ref: 23/01681FULL**

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**Application No:** 24/00009FULL Full Application  
**Site:** Roselands, The Lane, Cadnam, Southampton SO40 2PQ  
**Proposal:** Outbuilding including decking & canopy  
**Applicant:** Mr C Moody  
**Case Officer:** Julie Blake  
**Parish:** Copythorne Parish Council

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**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 Tranquillity  
 SP16 The historic and built environment  
 SP17 Local distinctiveness

**Supplementary Planning Documents**

Design Guide SPD

**NPPF**

Sec 12 - Achieving well-designed and beautiful 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**

Copythorne Parish Council: Recommend refusal, for the reasons listed below:

- Outbuilding is too large; not subservient to dwelling; and disproportionate to site.
- Marked impact on neighbouring properties; very close to shared boundary.
- Concerns that may end being used for other purposes not compatible with an outbuilding.
- Not in keeping with - and out of character to - location.
- Concerns about types of materials being used.
- Feel that building may also be larger than suggested by plans submitted.
- We support concerns raised by neighbours.

## 5. **CONSULTEES**

Conservation Officer: Support subject to condition.

Whilst the outbuilding is sizeable and visible from the street, it is clearly subservient to the host dwelling and will be constructed from materials sympathetic to the character of the conservation area and New Forest.

## 6. **REPRESENTATIONS**

Two objections on the following grounds:

- Outbuilding/summer house has already started in its construction.
- Height and width of outbuilding in proximity to neighbouring property.
- Potential for non-incidental use.
- Potential noise and parking issues.
- Appearance of outbuilding.
- Lack of space to maintain Holly tree.
- Visibility is obscured down the lane.
- Overdevelopment of plot and out of character with local area.

## 7. **RELEVANT HISTORY**

None relevant.

## 8. **ASSESSMENT**

### **Application Site**

- 8.1 Roselands is a chalet bungalow situated mid-way on the western side of The Lane and is one of two properties along this road. The property is situated in a small plot where the main garden is on its southern side. The front of the property, including the main garden is visible from the roadside and has a low fence and hedgerow as its boundary. The Lane is accessed via Old Romsey Road at the rear of the White Hart Public House. A public bridleway runs along the northern side of the property and the site is within the Forest Central North Conservation Area.

## **Proposed Development**

- 8.2 The application seeks retrospective planning permission for an ancillary outbuilding including raised decking to accommodate a seating area with a canopy above.

## **Consideration**

- 8.3 The key issues under consideration are:
- Compliance with Policy DP37;
  - The impact on the street scene;
  - The impact on the character and appearance of the conservation area; and
  - The impact on neighbouring amenity.
- 8.4 DP37 of the Local Plan sets out that 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. Outbuildings should be located within the residential curtilage of an existing dwelling and be required for purposes incidental to the use of the main dwelling. Outbuildings should not provide additional habitable accommodation and should not reduce private amenity space, including parking provision, around the dwelling to an unacceptable level.
- 8.5 The building is 3.8m high, 5m wide and 11m in length including its overhanging canopy (9.7m without). It also has raised decking at a height of 0.3m. The overhang provides a covered seating area which faces towards the main dwelling. The footprint of the outbuilding is 55sqm, the internal floorspace consists of space for a summer house, storage and a shower/WC. The outbuilding is located within the residential curtilage, would be for use for incidental purposes and would not reduce private amenity space to an unacceptable level in accordance with Policy DP37.
- 8.6 The outbuilding appears prominent within the plot due to the nature of the site and its irregular plot shape. However, it is not considered to be cramped or overdeveloped. The outbuilding is positioned along the rear boundary fence of the neighbouring property and to the side, slightly forward of the dwelling. The design of the outbuilding is typically found within the National Park and the use of natural timber is supported. As the timber would weather naturally, leaving it to do so would ensure that over time the outbuilding would blend into its surroundings, which would be appropriate in the conservation area location. To secure natural weathering, it would not be unreasonable to place a condition in relation to the finish of the cladding. It has been agreed with the applicant that the outbuilding would remain unpainted or stained in order to achieve a naturally weathered appearance. The roof has been partially completed using dark coloured corrugated sheet roofing. This material and its colour are supported by the Design Guide and would help blend in with its surroundings. It is noted from the application form that the roof is proposed to be finished using composite slate tiles. It is considered reasonable and necessary to condition submission of details of roofing

materials as either the use of corrugated sheet or natural slate to complete the roof would be more appropriate to ensure an acceptable appearance within the conservation area. The Authority's Building Design and Conservation Officer has been consulted and has no objection subject to conditions securing details of roofing and cladding finish. Subject to conditions, the proposal would accord with Policies DP2 and SP16.

8.7 In relation to potential impacts on amenity, there would not be an unacceptable adverse impact on the amenity of the immediate adjoining neighbour to the south side. At its nearest point the outbuilding is approximately 1.4m from the neighbour's outbuilding and 23m from the main house. At the time of the initial site visit, this property had a mature hedgerow screening the property from The Lane and had a high close boarded fence between its own outbuilding and the outbuilding the subject of this application. The visibility of The Lane and the property the subject to this application from the rear garden of the neighbouring property had already been impeded by the presence of a tree lined boundary. In addition, the neighbours have an existing outbuilding which is slightly higher than the boundary hedge and close boarded fence between the two properties. The outbuilding to be retained is higher than the boundary fence and the neighbour's outbuilding, however, the overall height is still under that which could be achieved under permitted development and the roof of any other size outbuilding would always be visible from the neighbouring first floor outlook. The outbuilding is not visible to the public house garden area as this is screened by trees and hedgerow and the development would not affect the public bridleway. The proposal would accord with Policy DP2.

8.8 Concern has been raised about potential noise. The outbuilding is for an incidental use within the curtilage of the dwelling. It is not considered that the proposal would exacerbate general noise levels expected and created by a residential garden. Granting planning permission does not in any way indemnify against statutory nuisance being investigated and action being taken by Environmental Protection.

### **Conclusion**

8.9 Whilst the outbuilding is sizeable and visible from the street, it is clearly subservient to the host dwelling and complies with Policy DP37. Subject to conditions, it would be constructed from materials sympathetic to the character of the conservation area and New Forest. It is recommended that permission is granted subject to conditions.

## 9. RECOMMENDATION

Grant Subject to Conditions

### Condition(s)

1. Development shall only be carried out in accordance with plans: 001 Proposed Elevations and Floor Plan; Site Location Plan; Site Plan and Block 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).

2. No further development shall take place until samples or exact details of the roofing materials and details of the proposed finish to the cladding 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.

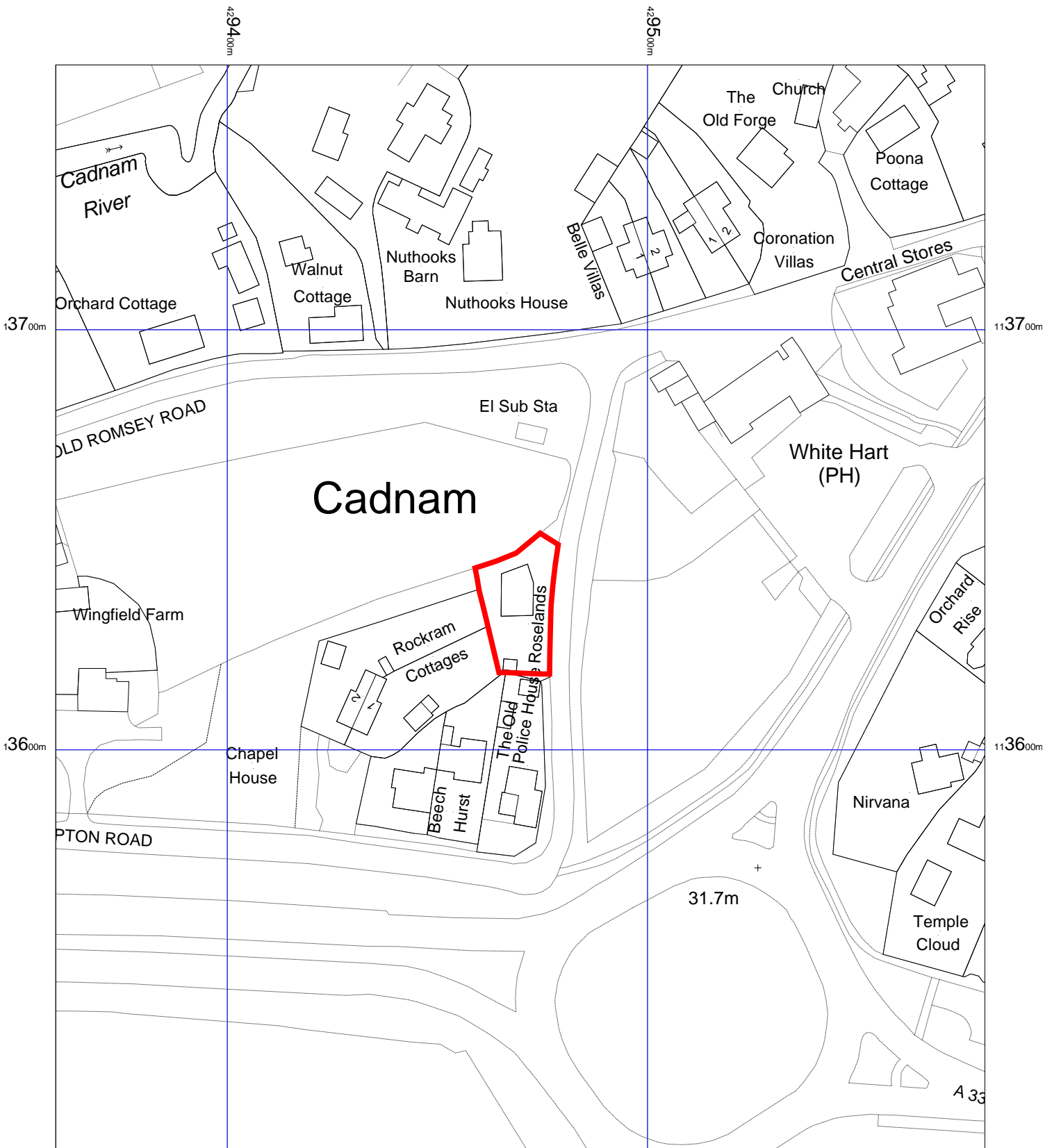
Reason: To ensure an acceptable appearance of the building in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

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).



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

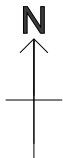
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Date: 05/04/2024

**Ref: 24/00009FULL**

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**Application No:** 24/00156FULL Full Application

**Site:** Land East of Petlake Farm, Plots K, M & O, Ringwood Road, Bartley, SO40 7LA

**Proposal:** Erection of a means of enclosure, 1.2m high perimeter stock fence and field gates

**Applicant:** M Sayari

**Case Officer:** Liz Marsden

**Parish:** Netley Marsh 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
- DP50 Agricultural and forestry buildings
- DP18 General development principles
- SP6 The natural environment
- SP7 Landscape character
- SP15 Tranquillity
- SP16 The historic and built environment
- SP17 Local distinctiveness

**Supplementary Planning Documents**

Design Guide SPD

**NPPF**

- Sec 12 - Achieving well-designed and beautiful 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**

Netley Marsh Parish Council: Recommend refusal on the grounds that:

- The gates, fencing and hardstanding are not acceptable in the conservation area.
- It is felt that the proposals are not for genuine agricultural use but are more recreational.

#### **5. CONSULTEES**

Conservation Officer: The proposed materials and simple approach are suitable for agricultural use in this location and would not damage the character or appearance of the conservation area. No objection to these proposals in principle, subject to the removal of the fences and gates and reinstatement of the land when the use ceases.

Landscape Officer: The landscape impact has been reduced by the removal of the previously proposed hardstanding and lower fence height and would not harm the character of the immediate and wider landscape to a great extent.

#### **6. REPRESENTATIONS**

Eight letters of support:

- Fence in keeping with the environment and other fences in the area.
- Will provide the opportunity for the applicant to enjoy his land.
- Good for the community.

One letter of objection on the grounds that:

- Not all questions on the biodiversity checklist have been answered correctly. The site is adjacent to woodland and established hedgerow and close to a SINC.
- Whilst the proposed continued use of the land for a hay crop is welcomed, fencing it off is counter-productive as it will reduce the yield of hay.
- Will set a precedent for owners of other sites.
- It is not clear whether the fence will be on the boundary of site ownership or set within it. Removal of any part of the existing fence on the southern boundary could compromise its integrity as a whole.

#### **7. RELEVANT HISTORY**

1.8 metre high perimeter livestock fence and gates, with associated hardstanding (23/00872) refused on 27 November 2023

2 metre high perimeter livestock fence and gates, with associated hard standing (23/00045FULL) withdrawn on 04 July 2023

On adjacent plot of land (referred to as Top Corner)

1.2m high fencing; gates; extension to track to provide turning area (21/00982) granted on 21 June 2022

## 8. ASSESSMENT

### Application Site

8.1 The application site is an area of around 0.5ha in size, which forms part of a larger agricultural field (circa 3.6ha excluding wooded areas along road frontage and road access). The field is located to the south of Ringwood Road (A36) and the site is set on the southwestern boundary, furthest from the access, adjacent to a woodland area on neighbouring land. The site is located in the conservation area.

### Proposed Development

8.2 The application is a resubmission, following two previous applications, the first of which (for a 2m high fence) was withdrawn. The subsequent application sought permission to enclose the three plots in the applicant's ownership, with a lower (1.8m) fence, changing the type of fence from a close mesh fence with metal posts, to a wide meshed 'deer' fence, with chicken wire on the lower half, and timber posts. The gates were also changed from metal to timber field gates. Both applications included an area of hardstanding within the site, created to park on. At that stage, the applicant wished to use the land for keeping chickens and illustrative details of a portable hen house, which would be moved around the site, were provided. The second application was refused for the following reason:

*"The proposal would result in the introduction of features that would appear incongruous and out of keeping with the historic field pattern in the vicinity and would have an adverse impact on the landscape character and appearance of the Conservation Area and surrounding area to the detriment of the special qualities and historic environment of the New Forest National Park, contrary to Policies DP2, SP7, SP16 and SP17 of the New Forest National Park Local Plan 2016- 2036 (August 2019) and the NPPF."*

8.3 The current proposal is to enclose the site with a 1.2m high, post and wire stock fence, similar in height and type to stock proof fencing approved elsewhere within the field, and metal field gates. No hardstanding or other features are proposed. The key considerations are:

- Whether the height and type of fence proposed are appropriate to the intended use of the site and the countryside location.
- The impact on the character and appearance of the landscape and conservation area.

### Consideration

8.4 By way of background, the field within which the site is located is subject to an Article 4 direction, which was confirmed in February 2021, following the sale of the land to a number of individuals. The Article 4 restricts the right to erect, construct, maintain, improve or

alter a gate, fence, wall or other means of enclosure under Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). It was put in place due to the concern over the subdivision of the site into smaller plots which could undermine the visual amenity of the Forest North East Conservation Area and landscape character. The subdivision of the land could also render it unsuitable for agricultural uses. The provisions of the Article 4 direction, which relate to the entire field, do not mean that no fencing would be allowed but enable the Authority to consider proposals for enclosure of parts of the field on their own merits.

8.5 Policy DP50 states that permission will be granted for agricultural and forestry buildings where there is a functional need for them, and where the scale of the proposal is commensurate with that need. In this case, the application is not for a permanent building but for a fence, but it is considered to be appropriate to assess the proposals against the criteria of the policy. The applicant has not set forward any plan for the use of the land, with the design and access statement merely referring to it as being for agriculture, which could include taking hay off it or the grazing of animals. The previous applications indicated the keeping of chickens, though this appears to no longer be the case. However, as permission would be required for any alternative use of the land and the provision of any structures or other features, such as hardstanding, can be controlled by condition, the primary consideration is whether the fence, as proposed, is acceptable in terms of its design and countryside location.

8.6 The proposed fence is a traditional post and wire structure, with two strands of barbed wire along the top, similar in design to those commonly seen around fields. It is more appropriate in both height and design than that previously proposed. A pair of metal five-bar gates, very slightly lower than the fence, would allow access onto the site and, again, are common to rural areas. It is considered therefore that the fence and gates, in themselves would not be inappropriate or incongruous to an agricultural setting.

8.7 Policy DP50 requires sites to be physically and functionally related to existing buildings associated with the business. It is recognised that, in this case, that cannot be achieved as the applicant owns only this piece of land and the field as a whole no longer forms part of an agricultural unit. The fence would therefore be viewed in isolation and given its location would result in a new rectilinear projection into the field that does not relate to the existing boundaries of the field. The previous application was refused, in large part due to the overall height of the fence, which increased its visual impact, together with the compound effect of the enclosure. The current proposal would, however, appear as a more usual subdivision of a field and with the lack of any structures or areas of hardstanding have a significantly reduced impact. Furthermore, the location of the site, which is around 190m from the access and set at an oblique angle to it, would also serve to minimise the visual impact of the fence in any views

from public vantage points. There is a belt of trees along the road boundary which provides screening and any glimpses that would be obtained would not be intrusive. There are further trees around the other boundaries and no public footpaths in the vicinity from which the site could be viewed. It is considered therefore that the proposal would not have a significant or detrimental impact on the character and appearance of the landscape or conservation area and a reason for refusal could not be sustained on this basis.

8.8 The acceptability of agricultural development is also, under Policy DP50, subject to there being no large or obtrusive structures or the generation of a detrimental level of activity. The fence has been discussed in previous sections and the level of additional activity generated by this application in isolation is not likely to be significant, though it is acknowledged that given the number of individual owners of other parts of the field there is potential for increased activity should future applications for similar or alternative uses be granted permission. These would, however, need to be assessed on their own merits and in the light of the details submitted with them. The access from the site leads onto a busy main road and the highways authority were consulted on the previous application relating to this plot but raised no objection.

8.9 Concern has been raised about the lack of accuracy of the submitted biodiversity checklist, which does not acknowledge the nearby SINC or watercourse. However, the SINC is over 100m from the site and the water course an average of about 95m across its length. It is recognised that there is a belt of woodland to the rear, which is separated from the field by an existing fence, and given the nature of the development, with widely spaced posts, it is not considered that it would result in the loss of those trees or otherwise adversely affect the ecology of the area.

## **Conclusion**

8.10 The proposed development is capable of being accommodated on the site without adverse impact on the character and appearance of the conservation area, surrounding landscape or ecology and is therefore in accordance with Policies DP2, SP6, SP7, SP16 and SP17, DP18 of the Local Plan 2016-2036.

## **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:

S.013 SP1 rev. D - Location plan

DR1 - Block plan

S.013.1 rev. C - Details of fence and gates

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

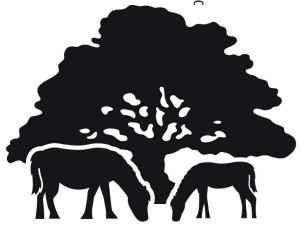
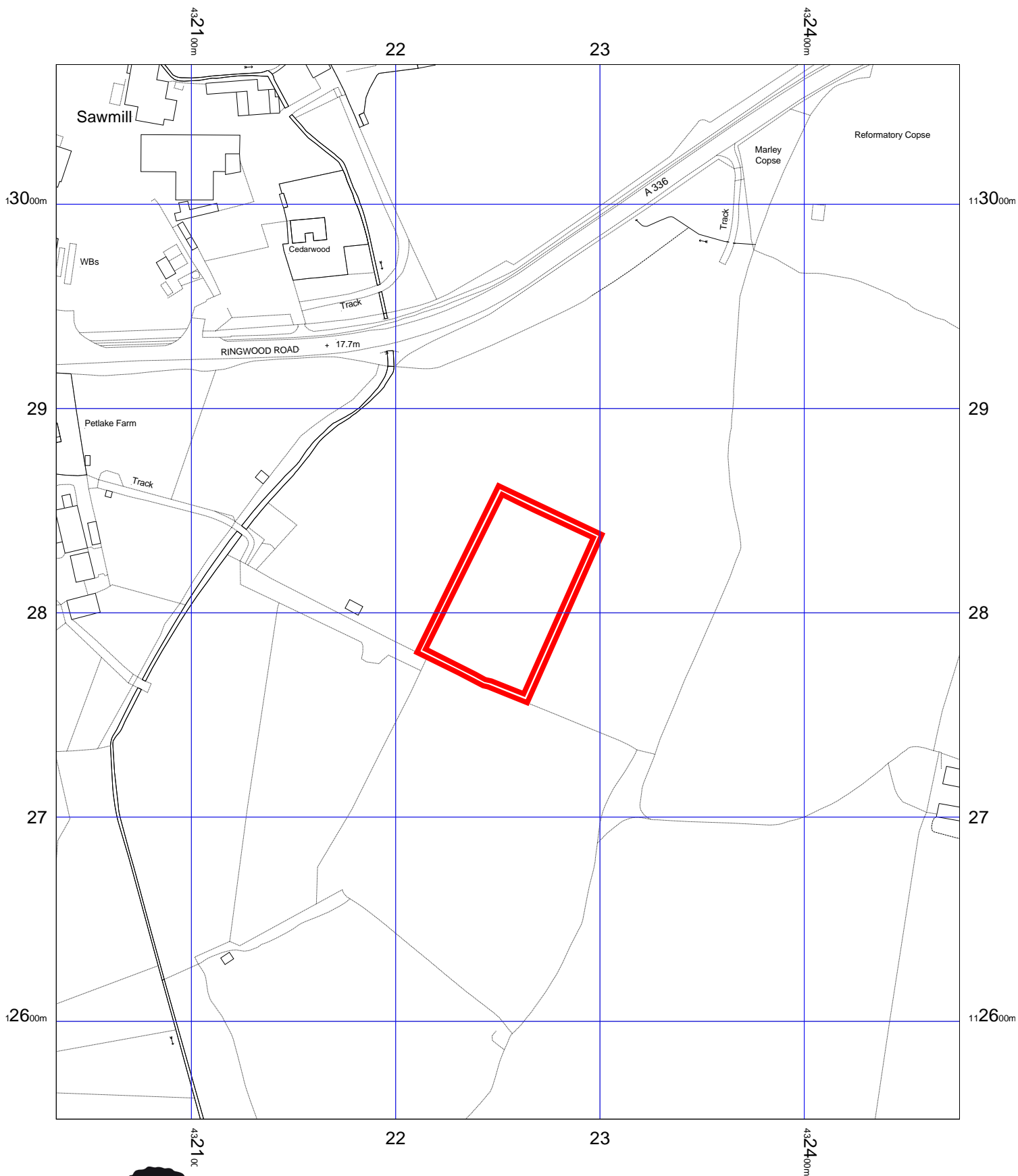
Reason: To ensure an acceptable appearance of the building in accordance with Policies SP16, SP17, DP18 and DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

3. The materials to be used in the development shall be as shown on the drawings hereby approved, with the use of timber posts as clarified in an email dated 03/04/2024 , unless otherwise agreed in writing by the New Forest National Park Authority.

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

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

Reason: To ensure that the any development is appropriate to its location within the conservation area and to comply with Policies SP7 and SP16 of the adopted New Forest National Park Local Plan 2016-2036 (August 2019).



**NEW FOREST  
NATIONAL PARK**

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Date: 05/04/2024

**Ref: 24/00156FULL**

**Scale: 1:2500**



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