

Application No: 23/00134FULL Full Application

Site: Tregonals Bungalow, Lymington Road, East End, Lymington
SO41 5SS

Proposal: Garden Shed with log store

Applicant: Mr & Mrs Lusty

Case Officer: Julie Blake

Parish: East 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
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

3. MEMBER COMMENTS

None received

4. PARISH COUNCIL COMMENTS

East Boldre Parish Council - initial comments: Recommend refusal for the reasons listed below:

- The positioning of the building is very prominent in relation to the main dwelling, it is pretty much the first thing you see as you travel down the drive and into the main part of the residential curtilage and because of its size, use and proximity, it is felt that it detracts from the main dwelling and will make the residential area of the property feel overcrowded.
- The overall size of the building is felt to be excessive for the utilitarian purpose stated. At a footprint of 42m² it is felt that its large size will lead to the property being overdeveloped.
- The applicants have stated one of the uses is for wheelchair charging, which is a doubling up of use on the other outbuilding that has been planned, the council are not sure why two such areas are required and why so much space is required for this purpose, but also the 31.5m² of space for use as a shed is felt to still be excessive.
- The location of the building given its proposed size is also of concern, as it is located close to neighbouring properties and will be visible from them, especially from Tregonals. This is a very rural area and with the addition of yet another utility building so close to these properties a once rural skyline will look cluttered and over populated and suggest a relocation of the building to a different part property would be more suitable
- The new buildings are for utilitarian use and cannot be converted at any time into a dwelling or residential use.
- Only 1 of the 4 neighbouring properties have been consulted.

Revised comments received May 2024: Continue to recommend refusal, for the reasons listed below:

We are clear that nothing has fundamentally changed in way of design or otherwise since our comments to the original proposal at our parish council meeting on 11 April 2023.

Parish comments regarding the amended site plan received on 10 July 2024: Having considered the latest amended plans at their Parish Council meeting on 9 July 2024, parish councillors' position remains unchanged since the application was first considered on 11 April 2023.

5. CONSULTEEES

Building Design and Conservation Officer: No objection.

Tree Officer Initial comment: No objections subject to condition.

Tree Officer comments on amended layout plan: There does not seem to be any significant change to the impact on trees with this amended scheme and there are no further objections following previous comments and the recommended condition.

6. REPRESENTATIONS

20 responses raising objection have been received from four neighbours including neighbour objections in the form of one letter signed by four

neighbours, and three independent letters of objection raising the following concerns:

- Should be refused on the grounds of procedural irregularity due to the site being named as 'Tregonals rather than 'Tregonal Bungalow'
- Planning Officer of the previous application advised that the buildings were too large, this related to the house and the garden/studio. This building is considered to be too large as well.
- A further garden shed to the rear of Cloop Cottage was proposed on land not part of the site for which consent was granted. It is unknown as to whether this outbuilding is still intended in that location.
- Outbuilding for the storage of wheelchair and mobility scooter already approved, why is another building for the same items required? The location of this building would not be suitable for this use.
- A smaller building would be adequate for the storage of logs and the bungalow being built to modern day standards with more efficient heating would need less alternative fuel.
- Separate application for this outbuilding submitted on the premise that it would not have been allowed as part of the original application.
- Too close to neighbouring boundary.
- Amended plans only reduces the log store and building remains substantial.
- Overdevelopment of the site.

7. RELEVANT HISTORY

Replacement dwelling and associated outbuildings (22/00564) granted on 21 November 2022

Outbuilding (15/00977) granted on 02 February 2016

Replacement dwelling; Outbuilding (Extension of time limit for implementation of planning permission ref. 92702) (10/95257) granted on 19 July 2010

Replacement dwelling; outbuilding (08/92702) granted on 25 April 2008

House and attached single storey dwelling; demolition of existing - 07/91143 withdrawn on 05 September 2007

8. ASSESSMENT

Application Site

- 8.1 The application site is located within the Forest South East Conservation Area. The site is set well back from the main road and is accessed via a short track. The majority of the site is to the rear of 'Tregonals' and there are paddocks beyond the rear boundary.

- 8.2 At the time of the initial site visit on 10 February 2023 the site had been cleared. There was no dwelling on the site, but the previous consent has been implemented, with the construction of the substructure up to Damp Proof Course level and there were no outbuildings on site. With regards to this application, after the submission of several amended plans, the submission of a Unilateral Undertaking and at the request of a concerned neighbour, a final site visit was undertaken on 03 May 2024. By this time, the bungalow and two other permitted outbuildings were nearing completion.

Proposed Development

- 8.3 This application now seeks planning permission for an outbuilding within the garden of the recently built bungalow. The outbuilding would be used as storage to house a wheelchair and mobility scooter and an attached open lean-to would be used for the purposes of a log store. It would replace an earlier permitted outbuilding which has not yet been built.

Consideration

- 8.4 By way of background, application 08/92702/FULL for a replacement dwelling and outbuilding, assessed under the New Forest District Council's policies, was approved subject to conditions in April 2008. The outbuilding was to be built in the front garden on the north side of a row of trees and would have been visible from the main road. This outbuilding was considered to be a suitable and incidental structure at the time, set amongst trees with no objection from the Tree Officer. Latterly, application 10/95257 for the replacement dwelling and outbuilding (Extension of time limit for implementation of planning permission ref. 92702) was approved and assessed under the same policies as the 2008 application. No representations were received in connection with this application.
- 8.5 In 2022, application 22/00564 for replacement dwelling with an alternative design and further associated outbuildings in addition to the outbuilding permitted in 2008/2010 was granted subject to conditions under the current policies of the adopted Local Plan (2019). Permitted development rights under Classes A, B, C and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) were removed. The further outbuildings were designed to accommodate easier wheelchair access. The officer's report concluded that the applicants did not wish to proceed with the approved design, but rather build a property which is tailored to their specific requirements. The outbuildings, being redesigned and lowered in height, were considered to be incidental to the bungalow as one provided a double carport with attached bin store and the other a store/home office and gym. In summary, three outbuildings have been permitted within the site and to date two have been built.
- 8.6 The key issues under consideration are whether the proposal would comply with Policies DP2, DP18, DP37 and SP17, the impact of the design on the dwelling and its curtilage, the potential impact on the

character and appearance of the surrounding conservation area and any impacts on neighbouring amenity.

- 8.7 The current proposal is for a garden shed and log store with its own electrical supply. The outbuilding would be approximately 7m x 6m with an overall ridge height of 3m and be used as a garden shed/workshop and for the storage of a mobility scooter. It would be constructed from a renewable source of natural timber frame and cladding set on a brick plinth base to match the outbuildings already within the site.
- 8.8 During the course of the application, there have been several amended plans to revise the position of the attached log store and the outbuilding has been re-orientated within the site. There have been minor access alterations within the site that has resulted in a section of the trees alongside the position of the original outbuilding location to be removed (subject to Tree work application 24/00022CONS). Their removal has resulted in a new location and orientation of the now proposed outbuilding, making it less visible from outside of the site and from the adjacent open forest. A small diversion of the access within the site and away from the neighbouring 'Tregonals' has also been achieved.
- 8.9 The submission S106 legal agreement confirms that the applicants would no longer build the more visible outbuilding permitted by the 2008 and 2010 applications but would build the now proposed outbuilding instead. As a result of this agreement and, should this application be approved, there would still only be three outbuildings within the site.
- 8.10 With this in mind, the outbuilding the subject of this application would be located within the residential curtilage, used for incidental purposes, can be accommodated on the site without an unacceptable loss of parking or amenity space and would have less visual impact on its wider surroundings. The outbuilding is in accordance with Policy DP37.
- 8.11 To address neighbour concerns, the issue with the incorrect address has been rectified. The location of the outbuilding is suitable as it is well within the site and closer to the main dwelling than the previously approved outbuilding. Providing the use of the outbuilding remains incidental, its specific associated residential storage use is irrelevant. The proliferation of outbuildings within the site was a concern, however, the S106 agreement has ensured that the number of outbuildings would remain the same as already permitted. The extended process of over a year was the result of several versions of amended plans and the subsequent re-consultation process and difficulties obtaining the necessary information in relation to the S106 agreement.
- 8.12 The Authority's Tree Officer has no objections on tree grounds subject to a revised tree protection plan being submitted along with cross section engineering details of foundations within the root protection areas of trees shown to be retained.
- 8.13 The Authority's Building Design and Conservation Officer has no objections to the proposed outbuilding in the proposed location on the site. The outbuilding is considered to be an unobjectionable standard

design, and the natural timber will weather down to a silver finish, which would allow the building to recess into the landscape more. The building is also set well back from the road with some vegetation screening so impact on the street scene and the wider conservation area will be minimal. It is acknowledged that the outbuilding is relatively large, however it is considered proportionate to the size of the plot and the host dwelling. Having said this, any additional outbuildings on top of this proposal would risk a proliferation of development on the site to the detriment of the character of the area. It is felt that with this outbuilding the capacity of the site will have been reached.

Conclusion

- 8.14 A S106 agreement has already been completed so that this outbuilding would be constructed instead of the previously permitted one that was intended for the same purposes. The outbuilding is intended to be used in connection with the main dwelling. It is suited to its residential setting in terms of design, scale, size, height and massing and is an appropriate design in the conservation area. Compliance with all parts of Policy DP37 have therefore been met. It is for these reasons that it is recommended that the application be approved.

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. 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).

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E 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).

4. The trees/hedges on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted arboricultural statement/the recommendations as set out in BS5837:2012.

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

5. Development shall only be carried out in accordance with Drawings LP 01, PL01 Rev E . No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority.

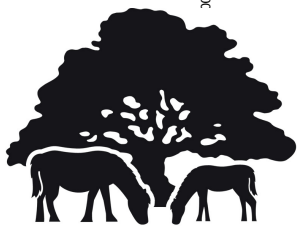
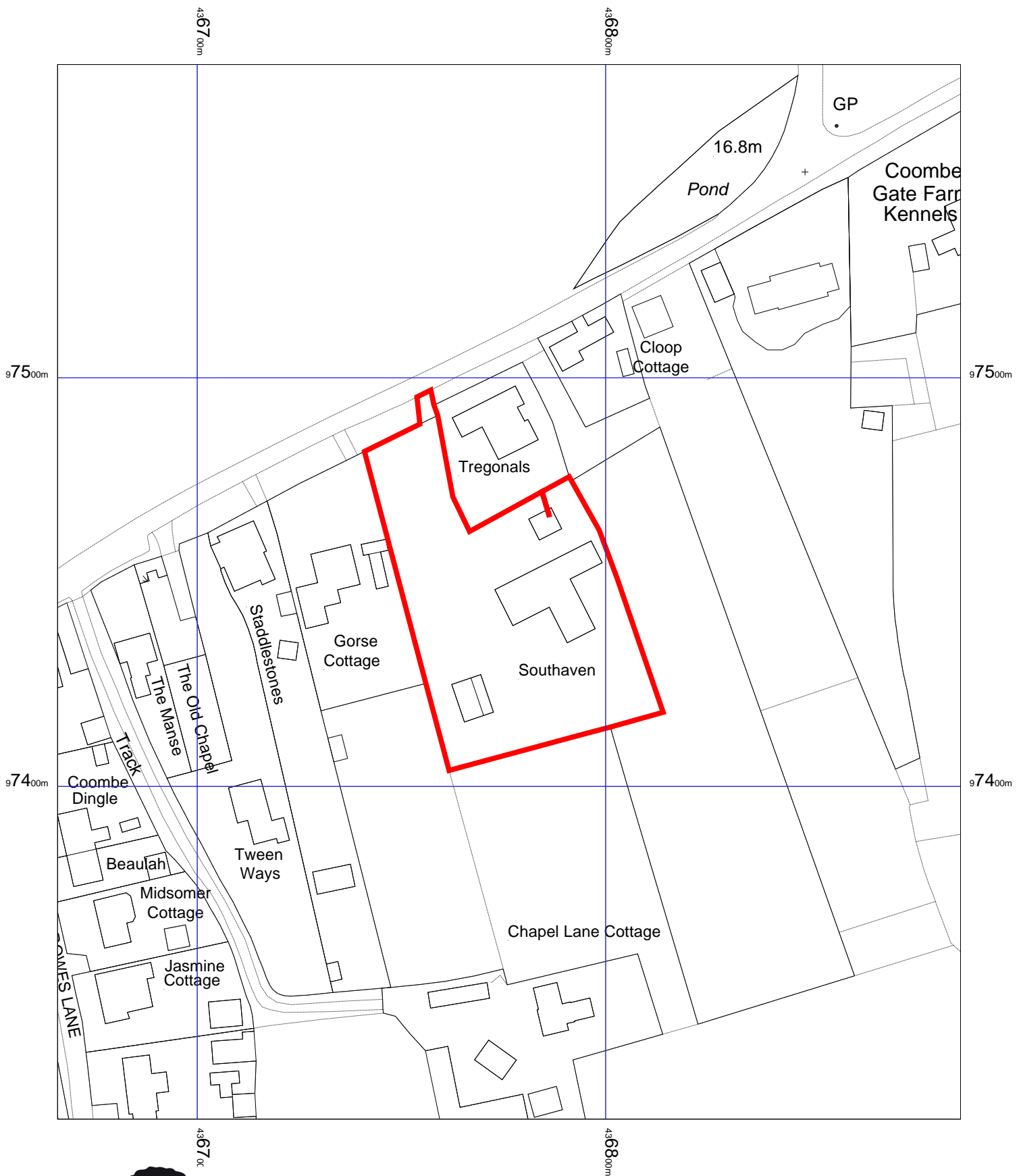
Reason: To ensure an acceptable appearance of the building in accordance with Policies SP16, SP17, DP18 and DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

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).

Informative:

1. This planning permission has only be granted following the prior completion of a section 106 legal agreement on 13 March 2024. Your attention is drawn to the covenants and legal effects contained therein.



NEW FOREST
NATIONAL PARK

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

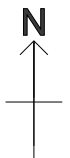
Tel: 01590 646600 Fax: 01590 646666

Date: 06/08/2024

Ref: 23/00134FULL

Scale: 1:1250

© Crown copyright and database rights 2024 Ordnance Survey 100014703



Application No: 24/00504FULL Full Application

Site: Applegarth, 4 Rhinefield Close, Brockenhurst SO42 7SU

Proposal: Replacement gate

Applicant: Mr Addinall

Case Officer: Joshua Dawes

Parish: Brockenhurst Parish Council

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. POLICIES

Development Plan Designations

Defined New Forest Village Brockenhurst

Local Plan Policies

DP2 General development principles

DP18 Design principles

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

Brockenhurst Parish Council: Recommend refusal for the reasons listed below:

The application is unsympathetic to the forest.

5. CONSULTTEES

None required.

6. REPRESENTATIONS

Friends of Brockenhurst: Objection on the following grounds:

The application is to replace a 5-bar gate with what appears to be a 1.8m close boarded gate. This will face a public road. Believe that it is 1.8m high from the photo as no details are shown.

If correct regarding the height, it is FoB's policy to object to all such fences/ gates as being out of place in our New Forest village. FoB believes that it is also NFNPA's policy to prevent such fencing.

7. RELEVANT HISTORY

Erect dwelling with attached double garage & access onto Rhinefield Close (NFDC/95/56553) granted on 13 June 1995

Bungalow, attached double garage & access to Rhinefield Close (NFDC/92/50736) granted on 09 November 1992

Erection of a house and double garage and new access. (NFDC/88/36884) refused on 26 March 1988

Erection of a dwelling (existing garages to be demolished). (NFDC/85/30222) refused on 18 November 1985

Erection of a dwelling with construction of a vehicular access. (NFDC/85/29240) refused on 19 June 1985

8. ASSESSMENT

Application Site

- 8.1 Applegarth, 4 Rhinefield Close is a chalet bungalow sited within a triangular plot at the entrance of Rhinefield Close, within the boundaries of the defined New Forest village of Brockenhurst. The site is bordered by other residential properties to the south and west. The site is enclosed with a large hedge, shrubbery and an existing timber five bar gate with tall brick piers providing access to the highway.

Proposed Development

- 8.2 This application seeks planning permission for a 1.8-metre high close boarded timber security gate to replace the existing five bar timber gate which would sit within two existing brick piers. The design was originally comprised of fully solid timber panels. However, amended plans have since been submitted which incorporate a more permeable design and appearance to the upper section of the gate.

Consideration

- 8.3 The key consideration in this case relates to whether the design, scale, size and materials of the proposed development are appropriate in relation to the character and appearance of the dwelling and the local area.
- 8.4 The original proposal consisted of a fully close boarded gate. Following the guidance within paragraph 7.18 of the New Forest National Park Design Guide SPD, gate posts and entrance gates should reflect the scale and design of the dwelling they are to serve whilst respecting the character of the existing street scene. Tall solid timber gates can be considered inappropriate and overly suburban, resulting in a negative impact upon the character and appearance of the area. In this case, amendments were requested in respect of the design of the gate to ensure a degree of permeability and revised plans were subsequently submitted showing an alteration to the upper section of the gate adding alternating gaps. This revised design would be more in keeping with the dwelling and surrounding area. The proposal would not impact on the existing hedges which comprise a large proportion of the boundary treatment at the property and which would remain. In this context, it is considered that, following paragraph 7.18 of the Design Guide, the proposed design would be acceptable.
- 8.5 The surrounding area is mostly residential in character. Being located outside the conservation area most of the close appears to have been built within the 1980s, with a more contemporary red brick with tile roof design. The properties directly adjacent to the site are all set in relatively large plots of land for the area and are sizeable in relation to those located further within Rhinefield Close. Multiple properties in the locality have tall fences, gates, hedges or other boundary treatments with some also consisting of tall close boarded gates. The proposal is located outside of the conservation area but would be visible at a distance, set between the existing hedgerow boundaries. Whilst the concerns of the Parish Council and FoB are noted, overall it is considered that the proposal, as amended, is acceptable in relation to the existing street scene.

Conclusion

- 8.6 The proposal is to replace an existing gate. The design of the amended proposal in combination with the host property's setting in the local area is considered to be acceptable under Policies DP2, DP18, SP16 and SP17 of the adopted Local Plan. It is recommended that permission is granted 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.

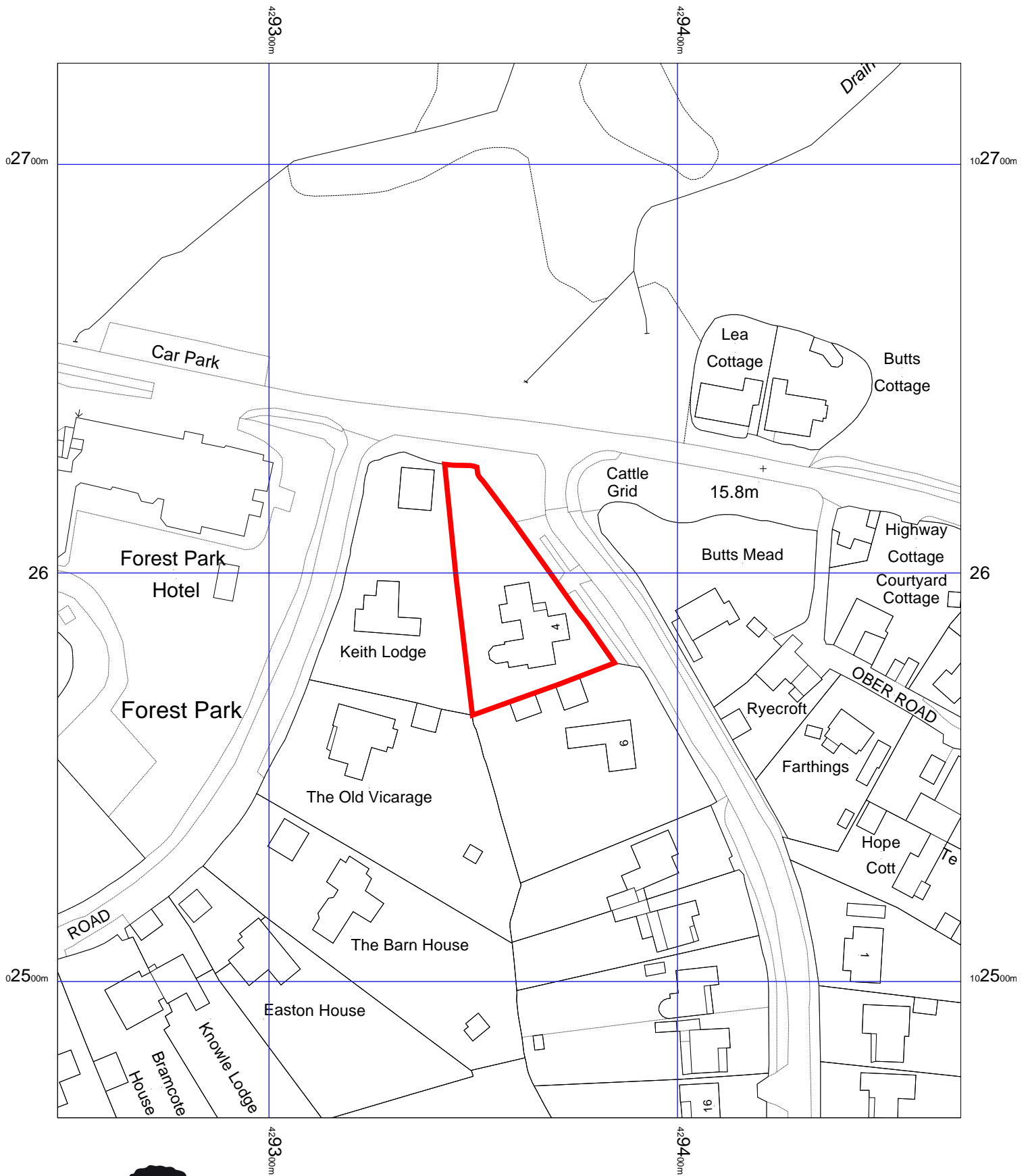
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Development shall only be carried out in accordance with ARC-PL-201 Rev A and ARC-PL-202 Rev B. No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority.

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

3. The external facing materials to be used in the development shall be as stated on the application form and drawings hereby approved, unless otherwise agreed in writing by the New Forest National Park Authority.

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



NEW FOREST
NATIONAL PARK

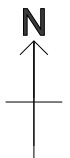
New Forest National Park Authority
Lymington Town Hall, Avenue Road,
Lymington, SO41 9ZG

Tel: 01590 646600 Fax: 01590 646666

Date: 06/08/2024

Ref: 24/00504FULL

Scale: 1:1250



© Crown copyright and database rights 2024 Ordnance Survey 100014703

Application No: 24/00554FULL Full Application

Site: Laurel Cottage, Pilley Bailey, Boldre, SO41 5QU

Proposal: Extension; replacement shed; outbuilding

Applicant: Mr & Mrs G Sutcliffe

Case Officer: Carly Cochrane

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
SP7 Landscape character
SP14 Renewable energy
SP15 Tranquillity
SP16 The historic and built environment
SP17 Local distinctiveness

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

Boldre Parish Council: Recommend refusal. There is concern over the size and position of this enormous outbuilding in this very picturesque part of the village. It is noted that the cottage is being adapted for disability yet the outbuilding/garage is far from the main dwelling and with

gravel area between which is not suitable for wheelchair access.

5. CONSULTEEES

Building Design and Conservation Area Officer: Whilst there is no objection in principle to the construction of an extension to the rear of the property in order to accommodate the applicant's changing needs, due to the scale, form, massing and overall design the proposed development is considered to cause less than substantial harm to the significance of the non-designated heritage asset and less than substantial harm to the character and appearance of the conservation area.

6. REPRESENTATIONS

Three letters of representation have been received; two letters are in support, and one letter provides a comment, however raises some concerns, summarised as follows:

- Scale of the outbuilding appears inappropriate, not in keeping with the area and intrusive given its location adjacent to the boundary.
- Plans should show the intended vehicular access.
- Any lighting to the outbuilding and exterior of the house should be kept to a minimum and needs to conform with Local Plan Policy DP2 and Boldre Parish Council Neighbourhood Plan page 10 to minimise light spillage.
- Construction traffic should park within the property and not on the verges which could result in damage and also cause obstruction to the highway for other users.

7. RELEVANT HISTORY

No relevant planning history.

8. ASSESSMENT

Application Site

- 8.1 The application site is located to the eastern side of Jordans Lane; the southern site boundary adjoins the neighbouring property of 'Greenacre' at Wooden House Lane, which is also within the applicant's ownership. The north-western corner of the site adjoins the New Forest SSSI, and the property has direct access onto the open forest and Jordan's Lane via a timber gate, with an existing hardstanding area providing off road parking within the curtilage. The site is enclosed by a hedgerow and trees along its western boundary, either side of the access. The dwelling is located immediately adjacent to the northern boundary, with the garden projecting to the south. A timber outbuilding is located within the north-eastern corner, and the dwelling has been identified as a non-designated heritage asset within the conservation area.

Proposed Development

- 8.2 This application seeks permission for ground and first floor extensions, with the replacement of the existing timber outbuilding within the north-eastern corner of the site, and the erection of a new outbuilding parallel with the western site boundary.
- 8.3 By way of background, the proposal has been the subject of extensive pre-application advice. The scale of the proposed extension has been significantly reduced to ensure compliance with the normal floorspace restriction of Policy DP36; the proposal initially sought to achieve additional floorspace in excess of the applicable 30% maximum limitation, citing exceptional circumstances. However, it was not considered that the applicant met the criteria of the genuine family need as set out within Policy DP36. In respect of the outbuilding, the notable change is the reduction in the number of integrated solar panels upon the roof slopes. The inclusion of a roller shutter door upon the northern elevation of the outbuilding was agreed at this stage.

Consideration

- 8.4 In respect of the floorspace restriction of Policy DP36, as aforementioned, the proposal has been reduced in scale to ensure compliance. It is therefore calculated that the proposal would meet, but not exceed, the relevant additional 30% floorspace limitation. Whilst there would be, upon completion of the proposed development, no scope for any further enlargement of the dwelling utilising permitted development rights, their removal is still considered reasonable and necessary in respect of controlling any alterations or other 'improvements' (as per the wording of Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the GPDO") to protect against any future changes to the dwelling which may be considered inappropriate.
- 8.5 Although the proposed development has been described as involving an extension to the first floor, for clarity, this is to provide internal headroom for a relocated staircase; the ridgeline of this element sits below the eaves of the main dwelling and does not involve any works to the structure of the existing roof. The remainder of the proposed extension is single storey, and projects both east and west from the existing two storey rear element. In respect of materials, the dwelling is constructed from brick with a slate roof; matching materials would be used within the proposed extension, except for a zinc roof upon the single storey elements. The Authority's Design Guide SPD sets out that zinc is a contemporary material which has previously been used successfully in the New Forest and can be used as a suitable alternative to lead roofing. In this instance, the zinc roofs would be considered to complement the existing slate and the use of such material is considered acceptable. Whilst it is proposed that all other materials match those existing, to ensure an appropriate

finish, it is considered reasonable and necessary that samples of all materials to be used in the development are submitted to the Authority for approval.

- 8.6 The proposed extensions are considered to be subservient in scale and would not detract from the character of the non-designated heritage asset. Due to the siting of the dwelling within the plot, the proposed extensions would not be prominent from outside the site. Whilst this in itself is not an indicator in respect of the acceptability of a proposal, and notwithstanding the comments of the Building Design and Conservation Officer (who was not party to the earlier pre-application advice) the scale of the proposal is considered, on balance, to conserve, and not detract from, the natural beauty of the National Park. Consequently, it is felt that the proposal would not have such an adverse impact upon the intrinsic landscape character of the local or wider area to the extent that it would warrant a refusal. It is acknowledged that this is a finely balanced case but overall, the proposed extensions are not considered to result in any adverse impact upon the integrity, character and appearance of the non-designated heritage asset or conservation area.
- 8.7 There would be no new windows upon the first floor of the dwelling; the proposed extension to provide a stairwell would in fact remove two windows upon this eastern facing elevation. The single storey scale of the proposed extensions are not considered to result in any adverse impact upon neighbouring amenity. However, due to the close proximity of the dwelling to the northern boundary, it is considered reasonable and necessary, along with the aforementioned removal of permitted development rights, to condition that no new windows are inserted at first floor level, in the interests of the amenity of the neighbouring property to the north.
- 8.8 Policy DP37 sets out that permission will be granted for domestic outbuildings where they are proportionate and subservient to the host dwelling in terms of design, scale, size, height and massing; located within the residential curtilage; are to be used incidental to the main house; do not provide additional habitable accommodation; and will not reduce the private amenity space of the dwelling to acceptable level. In this instance, the proposed replacement outbuilding would be reduced in scale and be set broadly upon the same footprint as that existing. This timber outbuilding would be subservient and used for incidental purposes. As such, it is considered compliant with the criteria of Policy SP37 of the Local Plan.
- 8.9 Concern has been raised by both the Parish Council and a local resident in respect of the scale and siting of the proposed new outbuilding. This outbuilding would be located approximately 2 metres from the western site boundary, a maximum of 4 metres from the southern site boundary, and approximately 9 metres from the existing vehicular access into the site. No works are proposed

to the existing hedge; it is recognised that the hedge is an important feature within the conservation area, not only as it would provide significant screening of the outbuilding. As such, a condition is recommended securing its retention. An amended site plan has been submitted illustrating that there is an existing septic tank between the front (northern) elevation of the proposed outbuilding and access, within what would form part of the hardstanding driveway and car parking area, to justify the location of the proposed outbuilding. Whilst the proposed outbuilding would be sited in both close proximity to the boundary and at the furthest location from the dwelling, the respective buildings would in fact be separated by a distance of less than 18 metres at the closest point. This is not a significant distance, and therefore the outbuilding would be viewed in context with the dwellinghouse. Comment has been made about wheelchair access to the outbuilding from the dwelling (on the basis the proposed floorplans indicate the necessary internal turning spaces within the dwelling) however, this is not a material consideration. The Site Plan shows a hardstanding route between the respective buildings, with much of the hardstanding area existing, and this would be a matter for the applicants.

- 8.10 The proposed outbuilding would measure approximately 14 metres in length, 4.8 metres in width, 2.1 metres in height to the eaves and 3.6 metres in height to the ridge. It would be constructed using feather-edge timber cladding, a slate roof to match the main dwelling with integrated solar panels upon the western and eastern slopes, and with a conservation style rooflight and timber framed windows with heritage style glazing. The door upon the front elevation, as aforementioned, would be a roller shutter. The proposed lighting of the outbuilding is shown on the plans, with low level wall mounted pathway lights and wall mounted downward facing lights upon the eastern elevation facing the garden, and two wall mounted downward facing lights either side of the roller shutter door. Internally, the outbuilding would provide a garage, log store and workshop space. Whilst, on plan, the outbuilding appears to compete with the main dwelling in terms of its footprint, by reason of its relatively modest height, it would not appear unduly dominant and would in fact appear subservient and proportionate in scale when compared with the main dwelling. The materials palette is appropriate for an outbuilding, whilst incorporating some small-scale renewable technology, in accordance with Policy SP14 of the Local Plan. The amount and type of external lighting is considered appropriate and would not result in any adverse impact upon the tranquillity of the area, as per Policy SP15 of the Local Plan. Any additional external lighting at the site can reasonably be conditioned to ensure that the details are submitted and approved by the Authority prior to its installation.
- 8.11 No works are proposed to the roof space. As such, no Bat Roost Assessment or alike has been carried out. Given that the proposed extensions to the dwelling would be attached to existing

brickwork, it is not considered that there would be any harm to protected species on site, if they were indeed present. It is considered that an Informative is sufficient to manage this matter.

Conclusion

- 8.12 It is therefore recommended that permission be granted, as the proposal accords with Policies DP2, DP18, DP36, DP37, SP7, SP14, SP15, SP16 and SP17 of the New Forest National Park Authority Local Plan 2016-2036 (adopted 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

PP-001, PP-002, PP-010, PP-011, PP-015, PP-020, PP-021, PP-022, PP-030

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) England Order 2015 (or any re-enactment of that Order) no development 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).

4. No first floor windows shall be inserted into the building unless express planning permission has first been granted.

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

5. No development shall take place above slab level until samples or exact details of the facing and roofing materials for the extension and outbuildings 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).

6. All new roof lights shall be of a 'Conservation' type and shall be fitted so that, when closed, their outer surfaces are flush with the plane of the surrounding roof covering.

Reason: To protect the character and architectural interest of the building in accordance with Policies DP2, DP18 and SP16 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

7. The outbuildings 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).

8. No external lighting other than that hereby approved 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. The trees and hedges forming the western boundary which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the recommendations as set out in BS5837:2012.

Reason: To safeguard trees and natural features which are

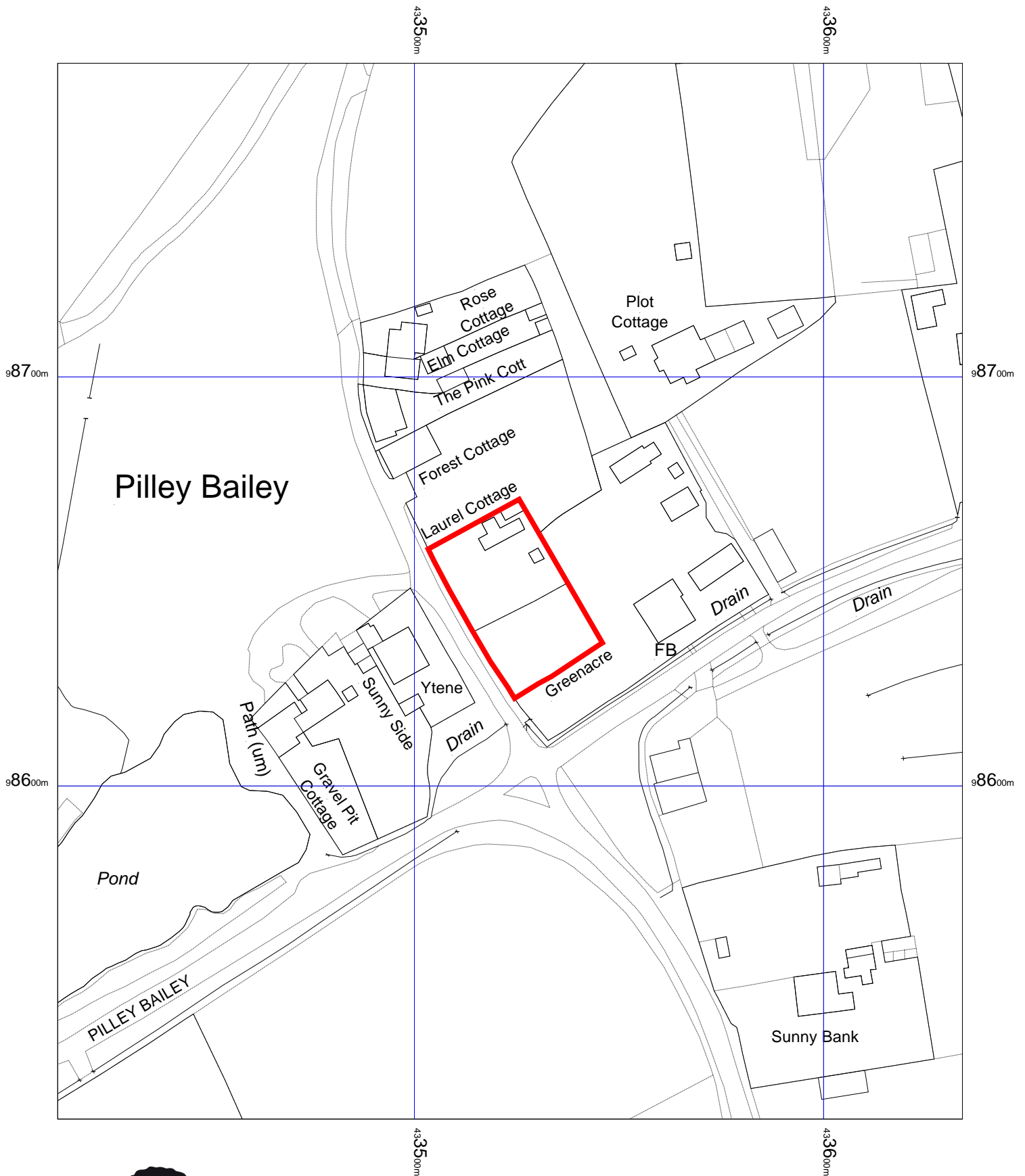
important to the visual amenities of the area, in accordance with Policies DP2 and SP6 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

10. 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).

Informatives:

1. The Authority has considered the application in relation to its adopted Local Plan, the National Planning Policy Framework and any other relevant material planning consideration and has recommended changes which have been accepted by the applicant to ensure the development is compliant and does not harm the character and appearance or amenities of the area.
2. 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

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

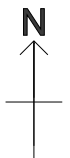
Tel: 01590 646600 Fax: 01590 646666

Date: 06/08/2024

Ref: 24/00554FULL

Scale: 1:1250

© Crown copyright and database rights 2024 Ordnance Survey 100014703



Application No: 24/00649FULL Full Application

Site: Fortune Centre Of Riding Therapy, Lanfranco House, 28
Garden Road, Burley, Ringwood, BH24 4EA

Proposal: Change of use of existing buildings from a C2 residential
institution to a single C3 dwellinghouse with outbuilding

Applicant: The Fortune Centre of Riding Therapy

Case Officer: Julie Blake

Parish: BURLEY PARISH COUNCIL

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. POLICIES

Development Plan Designations

Conservation Area

Local Plan Policies

DP2 General development principles

DP18 Design principles

SP16 The historic and built environment

SP17 Local distinctiveness

SP39 Local community facilities

SP19 New residential development in the National Park

SP21 The size of new dwellings

NPPF

Sec 12 - Achieving well-designed and beautiful places

Sec 15 - Conserving and enhancing the natural environment

SP16 The historic and built environment

Supplementary guidance

Design Guide SPD

3. MEMBER COMMENTS

None received

4. PARISH COUNCIL COMMENTS

Burley Parish Council: Recommend refusal for the reasons listed below:

Not against the principle of the main house being reclassified as C3 and being returned to its original purpose as a residential dwelling. However, BPC is conscious that this planning application also seeks to turn a non-residential training lodge into an outbuilding which will then fall within the C3 residential status of the main building. This is clearly stated in The Applicant's Planning and Heritage Statement:

'This statement accompanies a planning application to change the use of an existing (C2) residential institution building and outbuilding back to use as a single dwellinghouse (C3). '

BPC wishes to remind the NFNPA of the specific condition which was applied by themselves when permission was granted in 2007 (Planning Application 07 /91971 refers) for the construction of the Independence Training Lodge. Condition 3 states:

'The building hereby permitted shall be used solely for the benefit of the applicant, the Fortune Centre of Riding Therapy. In the event that the applicant ceases to own or occupy the site, the building shall be removed and the site restored to a grassed lawn area.'

Such a suggestion that the Meredith Lodge element of this application was previously (C3) residential is factually incorrect, and BPC cannot support any application which seeks to undermine the original policy decision made by the NFNPA to restrict the use and existence of this part of the proposal that was solely granted whilst under the ownership and use of the current owner, the Fortune Centre of Riding Therapy.

BPC has concerns that if the NFNPA allows its own planning conditions to be ignored or overturned, then the NFNPA will lay itself open to any historic or future conditions placed against any application or approval ineffectual and unenforceable.

5. CONSULTEES

None

6. REPRESENTATIONS

Three letters of objections on the following grounds:

- Application 07/91971 had the specific condition that Meredith Lodge should be removed and returned to a paddock in the event that the applicant ceases to own or occupy the site and the building shall be removed and the site restored to a grassed lawn area. This must be adhered to.
- The Lodge had to be removed and the land returned to paddock. It would be preposterous to allow a permanent house in these grounds and would conflict with policy.

- If Meredith Lodge is allowed to remain it will open up many opportunities for other to erect two bedroomed residential units in fields within a conservation area.

One comment received:

- In practice the outbuilding (Meredith Lodge) is a 2 bedroom dwellinghouse. In 1998 there was a single C3 dwellinghouse, as Meredith Lodge did not exist; now there are two dwellinghouses. This was recognised by the planning permission for Meredith Lodge which was on the basis that it was only for occupation by FCRT, with a condition for it to be removed if FCRT ceased to occupy, which is now the background for this application. Would planning permission be granted today for a totally new 2 bedroom dwellinghouse?

7. RELEVANT HISTORY

Independence training lodge (07/91971) – Granted subject to conditions on 20/11/2007

Change of use to residential care home for ex-fortune centre students (98/63828) – Granted subject to conditions on 08/07/1998

Erection of a three-bay open garage (NFDC/90/44114) – Refused on 06/04/1990

Erection of 3 dwellings and garages (NFDC/88/37168) – Refused on 26/03/1988

8. ASSESSMENT

Application Site

- 8.1 Lanfranco House is a relatively secluded detached property currently used as a C2 residential institution by the Fortune Centre of Riding Therapy. It is located within a spacious plot outside of the defined village of Burley and is situated within the Burley conservation area. Meredith Lodge is a log cabin in close proximity, south of Lanfranco House, within the same plot. The properties are accessed via a private track from Garden Road.

Proposed Development

- 8.2 The application seeks planning permission for change of use of the existing buildings from a C2 residential institution use to use as a single C3 dwellinghouse (Lanfranco House) and associated incidental outbuilding (Meredith Lodge).

Consideration

- 8.3 By way of background pre application advice was sort by

the applicant prior to submission of the application. In its pre-application response the Authority indicated in principle support for the proposed change of use subject to the Lodge's use being restricted to use '*for incidental or ancillary purposes in connection with the C3 use of Lanfranco House*'.

- 8.4 Whilst Policy SP19 does not permit new dwellings outside the defined villages and Policy SP21 limits the size of new dwellings to a maximum of 100 sqm, it is relevant to have regard to the fact that Lanfranco House is a former detached residence (up until 1998) and retains all the characteristics of a residential property in terms of its design and appearance. This is a very material planning consideration and for these reasons, there is no policy objection to the existing property returning to its former residential use.
- 8.5 Policy SP39 seeks to retain local community facilities where they contribute to the sustainability of local communities. In this case, whilst the loss of a community facility within the village is regrettable, the Fortune Centre of Riding Therapy (FCRT) will continue to operate its other educational sites across the New Forest. In comparison with its other sites, FCRT say that the Burley property has been less successful in supporting independent living for its young residents. To continue their care and support to young residents across the New Forest area the FCRT say that it has become necessary for them to sell Lanfranco House and Meredith Lodge. The funds raised through the sale would be reinvested into FCRT's other sites to secure the future of the charity.
- 8.6 As there would be no increase in the level of residential accommodation provided on the site, mitigation in respect of recreational impacts and nutrients are not required and the Biodiversity Net Gain would fall within the 'de-minimus' category.
- 8.7 With regard to neighbouring amenity the level of activity on the site would be much reduced. Lanfranco House currently houses approximately 10 residents comprising of staff and young residents. Access to the site is via a narrow, unmade private track between No. 26 and No. 30 Garden Road and regular traffic into the site is generated during both night and day. A residential C3 use is likely to generate much less activity and cause less disturbance in what is a predominantly residential area.
- 8.8 In respect of Meredith Lodge, concerns have been raised about its retention and the conflict with an earlier condition (as cited above in the Parish Council's response). The reason for the earlier condition requiring the Lodge's

removal on cessation of FCRT's use of the same is set out in the decision notice as follows:

"The building has been justified as ancillary residential accommodation to the current use of the site as a care home for the Fortune Centre of Riding Therapy. It would be important to ensure that the continued presence of a building at this location is justified in planning terms and would not give rise to a material intensification of the use of the site, and would not conflict with policies DW-E1 and NF-E1 of the New Forest District Local Plan First Alteration."

- 8.9 The use of the Lodge as an incidental outbuilding in connection with Lanfranco House would not give rise to a material intensification of the use of the site. Its size, scale and appearance are not dissimilar to domestic outbuildings commonly found across the New Forest. It is well related to what would be the host dwelling and would clearly fall within what would become the private garden area of Lanfranco House. The outbuilding would not be easily seen from outside the site, the building is proposed to be retained in its current location without changes to its external appearance. However, given that the Lodge is currently equipped for independent residential use, it would be important to agree the details of the items to be removed from the Lodge to ensure its future use remains incidental to the host dwelling. This can be secured by condition.
- 8.10 Some of the comments refer to the location of the lodge as 'being within a paddock'. The site plans submitted with the 2007 application and historic aerial photographs show that the Lodge has always been within the rear garden area and the paddock beyond the garden is still present and unchanged.
- 8.11 With these considerations in mind, the retention of the Lodge as an incidental outbuilding, subject to the standard condition restricting habitable accommodation as set out in Policy DP37, would have no further unacceptable impact on neighbour amenity or the wider area. As the site already benefits from a stable block, a smaller outbuilding and a summerhouse within its grounds and with the retention of the Lodge it would be reasonable to remove permitted development for further outbuildings within the site so that the site would not suffer from a proliferation of outbuildings.

Conclusion

- 8.12 The proposal would see the property return to its original (and less intensive) residential use as a single dwelling whilst the Lodge would be retained as an incidental outbuilding in compliance with Policy DP37. There is no

conflict with Policy SP39 as the FCRT would continue to operate across the New Forest.

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 outbuilding (formerly known as Meredith Lodge) 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. Within three months of the date of this permission, details of the existing internal fixtures and fittings to be removed from the outbuilding (that previously supported the C2 use) shall be submitted to and approved in writing by the New Forest National Park Authority. The removal of the agreed items shall take place within three months of commencement of the development hereby permitted.

Reason: To ensure the outbuilding is only used for incidental purposes and 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).

3. Development shall only be carried out in accordance with Drawings JDPC-01 (Location Plan), JDPC-02 (Existing and Proposed North and South elevations), JDPC-03 (Existing and Proposed East and West Elevations), JDPC-04 (Existing and Proposed Ground and First Floor Plans), JDPC-05 Existing and Proposed Full Plans - Meredith Lodge), JDPC-06 (Site 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).

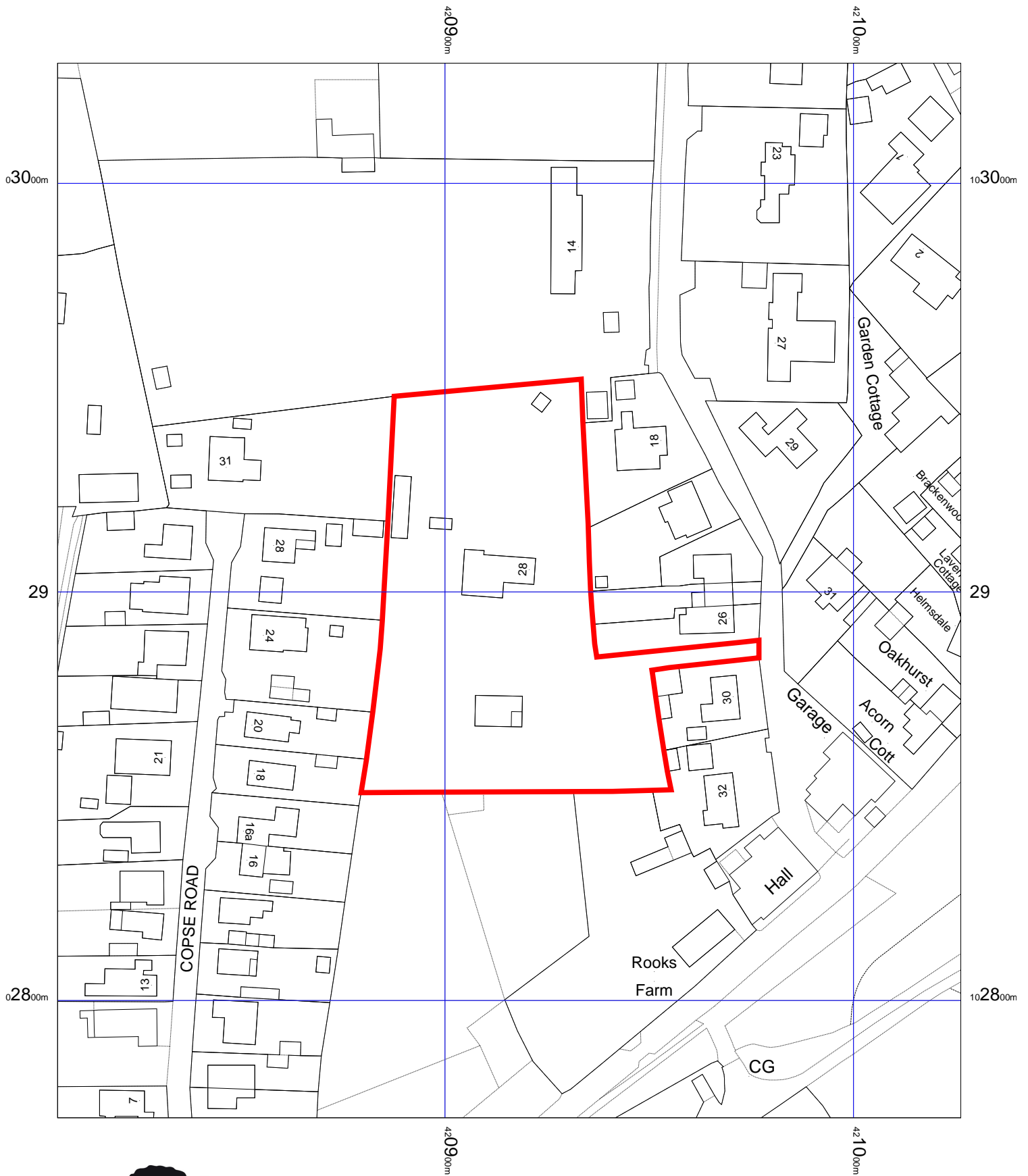
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any re-enactment of that Order) no development otherwise approved by Classes A and E of Part 1 of Schedule 2 to the Order shall be

erected or carried out without express planning permission first having been granted.

Reason: In view of the physical characteristics of the plot, the New Forest National Park Authority would wish to ensure that any future development proposals do not adversely affect the visual amenities of the area and the amenities of neighbouring properties, contrary to Policy DP2 (and SP17) of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

Informative:

1. The Authority has considered the application in relation to its adopted Local Plan, the National Planning Policy Framework and any other relevant material planning consideration and has confirmed to the applicant or their agent that the development is compliant and does not harm the character and appearance or amenities of the area.



NEW FOREST
NATIONAL PARK

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

Tel: 01590 646600 Fax: 01590 646666

Date: 06/08/2024

Ref: 24/00649FULL

Scale: 1:1250

© Crown copyright and database rights 2024 Ordnance Survey 100014703

