

Application No: 23/01333FULL Full Application

Site: Haworth, Brook Lane, Woodgreen, Fordingbridge SP6 2BQ

Proposal: Replacement of existing roof to provide additional accommodation, associated external alterations

Applicant: Ian Bailiff

Case Officer: Lindsey Chamberlain

Parish: Woodgreen Parish Council

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view.

2. POLICIES

Development Plan Designations

Conservation Area

Principal Development Plan Policies

- SP15 Tranquillity
- SP16 The historic and built environment
- SP17 Local distinctiveness
- DP2 General development principles
- DP18 Design principles
- DP36 Extensions to dwellings

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

Woodgreen Parish Council: Recommend refusal.

- Tranquillity, SP15: The current dwelling is low profile and the current fenestration on the first floor was only accessed via a ladder and thus does not form habitable accommodation, thus minimal light pollution. The proposed plans show six rooflights and two windows, a significant increase in the amount of glazing.
- The Historic and Built Environment, SP16: Any increase in height of the ridge line will have an adverse view on the vista over the Avon Valley. Allowing the building to become more prominent on the landscape, the property is not set back.
- Design Principles, DP18: The proposals are not in keeping with other dwellings around the common or wider area.
- Extensions to dwellings, DP36: Plans refer to an existing first floor, this was a loft space only accessible via a ladder, therefore not deemed habitable accommodation and should not be used in floor space calculations. Concerns that the plans exceed the permitted 30% increase in floor space.

5. CONSULTEES

Building Design and Conservation Officer:

- No objection to the principle of the alterations.
- Noting the prominent position of the property and thus the alterations need to be carefully considered to retain the character and appearance of the area.
- Proposed alterations to the roof are supported, including the increase in ridge height, equating to 20cm, not noticeably taller than the highest point of the existing roof.
- The initial proposed roof has a consistent ridge height and gable ends, creating a bulkier presence. Therefore, suggested to drop the ridge heights of the two projecting bays by 20cm, to retain some articulation in the roof.
- Suggested that the balcony element be reconsidered and traditional windows, following similar proportions to those on the ground floor, are used in the gable ends.

Ecologist:

- If the works are carried out in accordance with the recommendations of the ecology report, the conservation status of the populations of protected species is capable of being met.
- A condition to secure a CEMP prior to works commencing should be included.
- The SSSI condition should be imposed, and works are secured to be carried out in strict accordance with the prescriptions and plans within the ecology report.

6. REPRESENTATIONS

16 objections and one comment:

- Concerns over the refurbishment of the existing garage and additional outbuilding being constructed within the curtilage.
- Impact of the skylights on light pollution and adverse impact on the dark skies.
- Impact on the dark skies and that of the out of character balconies proposed.
- Concerns over the increase in roof height is not in
- Overlooking
- Existing plans indicate a habitable first floor room, facing the common, however this is not a habitable space as there is no staircase.
- The application property is prominent location on the edge of the common.

7. RELEVANT HISTORY

No relevant planning history.

8. ASSESSMENT

Application Site

- 8.1 Haworth is a bungalow property overlooking Woodgreen Common and lies within the Western Escarpment Conservation Area. Ramsar, SAC, SPA and SSSI are located adjacent to the property boundary on two sides, the northern and south eastern boundaries. Haworth is in a prominent position and is very visible. The property is detached and red brick in construction with concrete interlocking roof tiles.

Proposed Development

- 8.2 The proposal seeks to replace the existing concrete interlocking roof tiles with clay peg tiles. The proposal would increase the height of the two gable ends, overlooking Woodgreen Common, and also the pitched roof joining the two gables. The proposal has been amended, following comments from the Authority's Building Design and Conservation Officer. The two balconies have been removed and replaced with traditional windows to the two gable ends. Six sky lights are proposed to be added, to allow for the two bedrooms that would then be situated on the first floor. Thus, raising the ridge line by approximately 20cm and the gable ends increasing in height by 70cm to convert the loft space.

Consideration

- 8.3 In relation to the proposed design, after review by the Authority's Building Design and Conservation Officer it was noted that the French doors and glazed balconies on the projecting gables of the original scheme were not appropriate for the sensitive setting in Woodgreen, as such these were

removed in favour of traditional windows only, albeit the canopy above still remains. However, this would aid in providing a covering preventing further light spill above.

- 8.4 The overall ridge height of the property is greater than that of the existing, a comment that has been raised in a number of the objections with regards to the scheme. However, the overall ridge height is to increase from approximately 5.8 metres, to a maximum height of 6.0 metres. This increase is not noticeably taller than the highest point of the existing roof. The two gable ends are to increase by 0.7 metres, however, with the removal of the balconies and alterations to the roof to reduce the gable height, this alteration is deemed acceptable and is considered more sympathetic to the original building having a greater regard to the scale and character of the core element. Whilst the objections from the community consider the increase in the ridge height is out of keeping with the area, the overall increase to the ridge is less than 20 cm. Indeed, the gable ends see a greater increase in height by 70 cm, the removal of the balcony doors, and subsequent conditions applied seek to mitigate any concern regarding the proposal being out of character with the area, or that the covered space will be used as an elevated space to entertain overlooking the common.
- 8.5 In respect of the proposed extension and whether the increase in floor area would be within the scope of the 30% permitted in Local Plan Policy DP36, it was noted by a number of the objections and the Parish Council that there was no first floor within the existing property. Therefore, after consultations, this aspect of the existing plan was removed from the habitable floor area calculations. The proposal would result in 27% increase in the floor space of the existing dwelling, therefore the proposal is within the scope of Local Plan Policy DP36. Given this, it can be considered that the proposed development does adhere to Local Plan Policy DP36 as the additional floor area is within the parameters set out in the policy, and in addition, the revised scheme seeks to reflect the core element of the existing design and with the alterations, and conditions imposed, the proposal is sympathetic to the dwelling.
- 8.6 In respect of tranquillity, the proposal seeks to add six rooflights to the property and windows in the gable ends. However, mitigation of the impact on the dark skies will take place through means of the overhanging gable ends that protrude over the two traditional windows overlooking the common.
- 8.7 In relation to ecological impacts, the Preliminary Bat Roost Assessment concludes that the proposal would result in the destruction of a known roost and other features of high bat potential. As the proposal affects a recorded bat roost, the legal tests of the Habitats Regulations are engaged. In this regard, the proposal accords with the development plan, there is no viable alternative to the scheme proposed and the conservation status of the populations of protected species can be maintained - subject to conditioning the final design details and mitigation. There is no objection from the Authority's Ecologist subject to conditions securing ecological mitigation and

the securing of a Construction Environmental Management Plan (CEMP), given the proximity to ecological designations.

- 8.8 With regards to the impact on neighbouring amenity, there are a number of comments objecting to the proposal on the grounds of an outbuilding that is currently under construction within the curtilage of the property. This outbuilding is not the subject of this current application and this matter has been looked into by the Authority's Enforcement Team and it has been established that this outbuilding is compliant with The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 1, Class E. Overall, the property is located in a prominent position on the Common at Woodgreen, and there is a mature, yet low hedge that separates this property from that of the open common. Given this, the property is very visible and therefore any alteration or development within this site is going to have a level of impact on the surrounds. The roof of the existing property is in poor condition therefore any works would be noticeable. The plot slopes downwards, thus the neighbouring property of Arnside is set down in comparison to the application site. There are no substantial trees or shrubbery alongside the boundary with the neighbouring property, only a close boarded fence, however, this boundary is approximately 25 metres from the north-western elevation of the property, therefore with regards to overlooking, this would be relatively limited given the distance. Overall, it is concluded that the development would alter the external facing aspects of the property and this in turn would have an impact, however, with the amendments made to the scheme, overall, these changes would not have an adverse impact on the Conservation Area. With regards to the direct neighbour, Arnside, given the distance to the property, it is considered that there would be limited adverse impact that will result from this development.

Conclusion

- 8.9 It is therefore recommended that permission be granted subject to conditions, as the proposal is in accordance with Policies DP2, DP18, SP15, SP16, SP17 and DP36 of the Local Plan 2016 - 2036 (Adopted 2019) and the NPPF.

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 plans:
 - Proposed Floor Plans, DWG No.: 001 Rev B
 - Proposed Elevations, DWG No.: 002 – P Rev C
 - Existing and Proposed Street Scene, DWG No.: 006 – P Rev B
 - Block Plan, DWG No.: DR1
 - Location Plan, DWG No.: DR2

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).

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 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).

5. 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).

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).

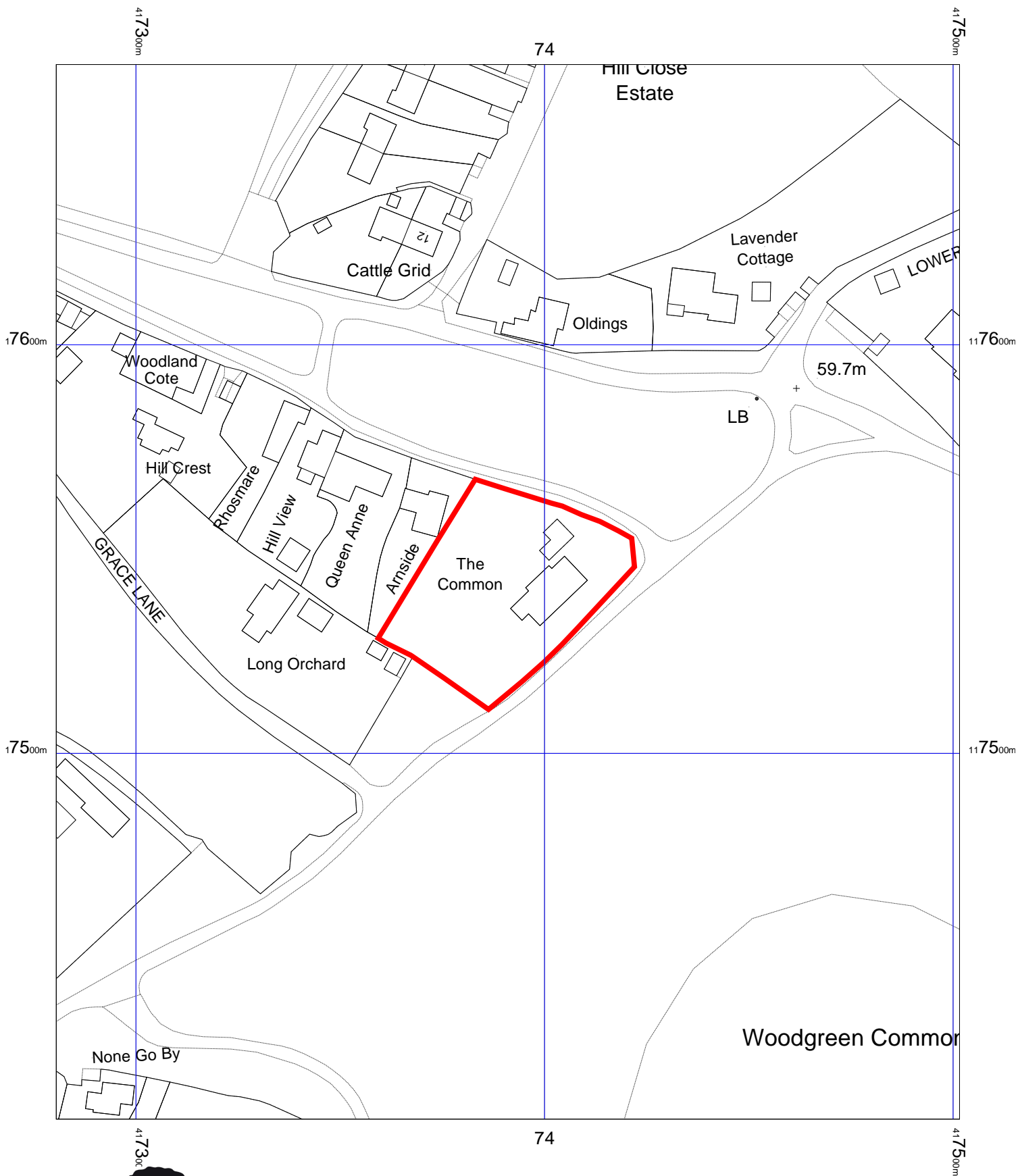
7. Prior to commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the New Forest National Park Authority.

Development shall take place in accordance with the approved CEMP.

Reason: To safeguard protected species and in accordance with Policies DP2, SP5 and SP6 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019)

8. 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 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).



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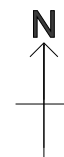
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Date: 09/02/2024

Ref: 23/01333FULL

Scale: 1:1250

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Application No: 23/01382FULL Full Application

Site: Brook Heath, Sandy Down, Boldre, Lymington SO41 8PL

Proposal: Single-storey outbuilding

Applicant: Mrs J Chakraverty

Case Officer: Lindsey Chamberlain

Parish: Boldre Parish Council

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view.

2. POLICIES

Development Plan Designations

Tree Preservation Order

Principal Development Plan Policies

DP2 General development principles

DP18 Design principles

DP37 Outbuildings

SP15 Tranquillity

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

3. MEMBER COMMENTS

None received

4. PARISH COUNCIL COMMENTS

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

There is concern over the impact on the street scene in this wooded area. As there is already a 'games room', and this proposed extra 'games room' is far from the dwelling and near the road, it would appear to be inappropriate with the potential, in future, to become a separate dwelling, as has happened in other proposals within the parish. The new site access could easily become permanent.

5. CONSULTEES

Tree Officer: Concern in relation to proximity to trees protected by Tree Preservation Order No. 19/13 towards the front boundary of this property. If alternative siting is not put forward, no objection on tree grounds subject to the provision of further information and conditions to safeguard the trees which are important to the visual amenities of the area.

6. REPRESENTATIONS

One supporting comment.

7. RELEVANT HISTORY

Outbuilding (demolition of existing garage) (19/00504) granted on 22 August 2019.

Two bay garage (19/00505) granted on 22 August 2019.

Replacement fence and entrance gates; widening of access (AMENDED PLANS) (13/98503) granted on 05 August 2018.

One and Two Storey Extensions and Alterations; Outbuilding (09/94753) granted on 29 January 2010.

8. ASSESSMENT

Application Site

- 8.1 Brook Heath is located in the rural setting on the north side of Sandy Down in Boldre. The property is set within a large plot with mature surroundings and the main dwellinghouse is set centrally within the plot. Brook Heath is within approximately 40 metres of SSSI and SAC sites. There are trees protected by TPO along the front boundary adjacent to the road.

Proposed Development

- 8.2 This application seeks permission for a single storey outbuilding to the south-west of the plot, nearest the access road, the internal floor area of the

outbuilding being 34.5 sq. metres and 4.5 metres in height, with a section of decking outside the front entrance of the outbuilding. There is an existing outbuilding within the property's curtilage and the design of this proposed structure matches this existing outbuilding. The materials for the proposal include: vertical timber cladding to the walls and a timber shingle roof, powder coated grey windows and doors and black uPVC rainwater goods. The outbuilding would be used for purposes incidental to the main dwellinghouse and more specifically as a games room. Due to the proximity to the TPOs on site and the numerous trees and vegetation on site, the structure is proposed to be built on screw/short bore drive pile foundations, as detailed in the Design and Access Statement. The proposed outbuilding is located towards the front of the plot.

- 8.3 The key considerations in this case are:
- Compliance with Policy DP37 (outbuildings);
 - The impact on protected trees;
 - The impacts on the character and appearance of the area;
 - The impact on neighbouring amenity; and
 - Whether the materials and design of the proposals would be aligned to policy (DP18).

Consideration

8.4 The outbuilding, the subject of this application is considered subservient in size and scale, given the internal floor area of the outbuilding is approximately 34.5 sq. m. It is proposed to be located within the residential curtilage, is proposed to be for incidental use as a games room and would not reduce private amenity space around the dwelling to an unacceptable level. The proposal is considered to comply with the requirements of Policy DP37, subject to a condition to control its use as an incidental outbuilding.

8.5 Efforts to relocate the outbuilding closer to the main dwellinghouse did not come to fruition despite the comments made by the Authority's Tree Officer. Whilst the siting of the outbuilding closer to the property could be achieved, the application details that the structure would be built on screw/short bore drive pile foundations to omit the need for concrete foundations, protecting the existing tree roots with a view to avoiding damage and compaction to the root protection areas. The Authority's Tree Officer has attended site and reviewed the application and has no objection to the application on tree grounds subject to the following information being provided:

- A revised site-specific Arboricultural Method Statement and Tree Protection Plan, which should include details of the temporary surface for access and areas identified for storage of materials.
- Engineering drawings of the pile and above ground beam foundations which should include a void beneath.

This would be secured by conditions in order to ensure the safeguarding of the protected trees during any works.

- 8.6 Temporary access to the site is proposed via the southern boundary, adjacent to T01. This would be in close proximity to protected trees and further information is required by condition as set out in paragraph 8.5 above to ensure the safeguarding of these trees. This access would not be a permanent feature and the fencing would be reinstated to ensure the foliage within the curtilage could again establish and form a screen adjacent to the access road.
- 8.7 With regards to the materials proposed, these are matching that of an existing outbuilding adjacent to the main dwellinghouse and would consist of vertical timber cladding to the walls and a timber shingle roof, powder coated grey windows and doors and black uPVC rainwater goods. Further to the consent that was obtained regarding the existing outbuilding, the windows included in this application would not be deemed to be excessive and would be appropriate to the locality and as previously a condition would be attached to any consent given restricting the further insertion of windows or rooflights in the building to ensure an acceptable appearance and impact on dark night skies. Given the materials in their entirety would match the design of the previous games room they are considered to be appropriate to the house and locality as wooden materials will be allowed to weather and blend into the surrounding.
- 8.8 The site is well screened from the neighbour to the west and thus there is considered to be no adverse impact on neighbouring amenity. The neighbour directly opposite would be able to view the proposed structure as the foliage adjacent to the roadside does not provide a thick screen, however, the natural materials the outbuilding is proposed to be constructed of would be allowed to weather aiding blending in of the outbuilding with the woodland.

Conclusion

- 8.9 The proposed outbuilding would comply with the criteria of Policy DP37. The location of the outbuilding is in close proximity to protected trees. However, subject to the provision of additional information in respect of the method of construction and the temporary access, which would be secured by condition, there is no objection on tree grounds. It is therefore recommended that permission be granted subject to conditions, as the proposal is in accordance with Policies DP2, DP18, SP15, SP17 and DP37 of the 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 the following plans:
 - Block and Location Plan, DWG No.: 8735.110, Revision P1
 - Proposed Site, Floor Plans and Elevations, DWG no.: 8735.112, Revision P2

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. No development, demolition or site clearance shall take place until the arrangements to be taken for the protection of trees and hedges on the site (to be identified by agreement with the Local Planning Authority beforehand), have been submitted to and approved in writing by the Local Planning Authority. The details shall include a revised site-specific Arboricultural Method Statement and Tree Protection Plan, which should include details of the temporary surface for access and areas identified for storage of materials.

The agreed arrangements shall be carried-out in full prior to any activity taking place and shall remain in-situ for the duration of the development.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

4. No development, demolition or site clearance shall take place until a method statement and engineering drawings for the foundation design of the approved development has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

5. No development, demolition or site clearance shall take place until a plan showing:
- Service routes, including the position of soakaways;
 - Location of site compound and mixing areas;

are submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with these approved details.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

6. The external facing materials to be used in the development shall match those used on the existing outbuilding as approved under application 19/00504 and in accordance with the materials proposed on the application form, 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).

7. 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.

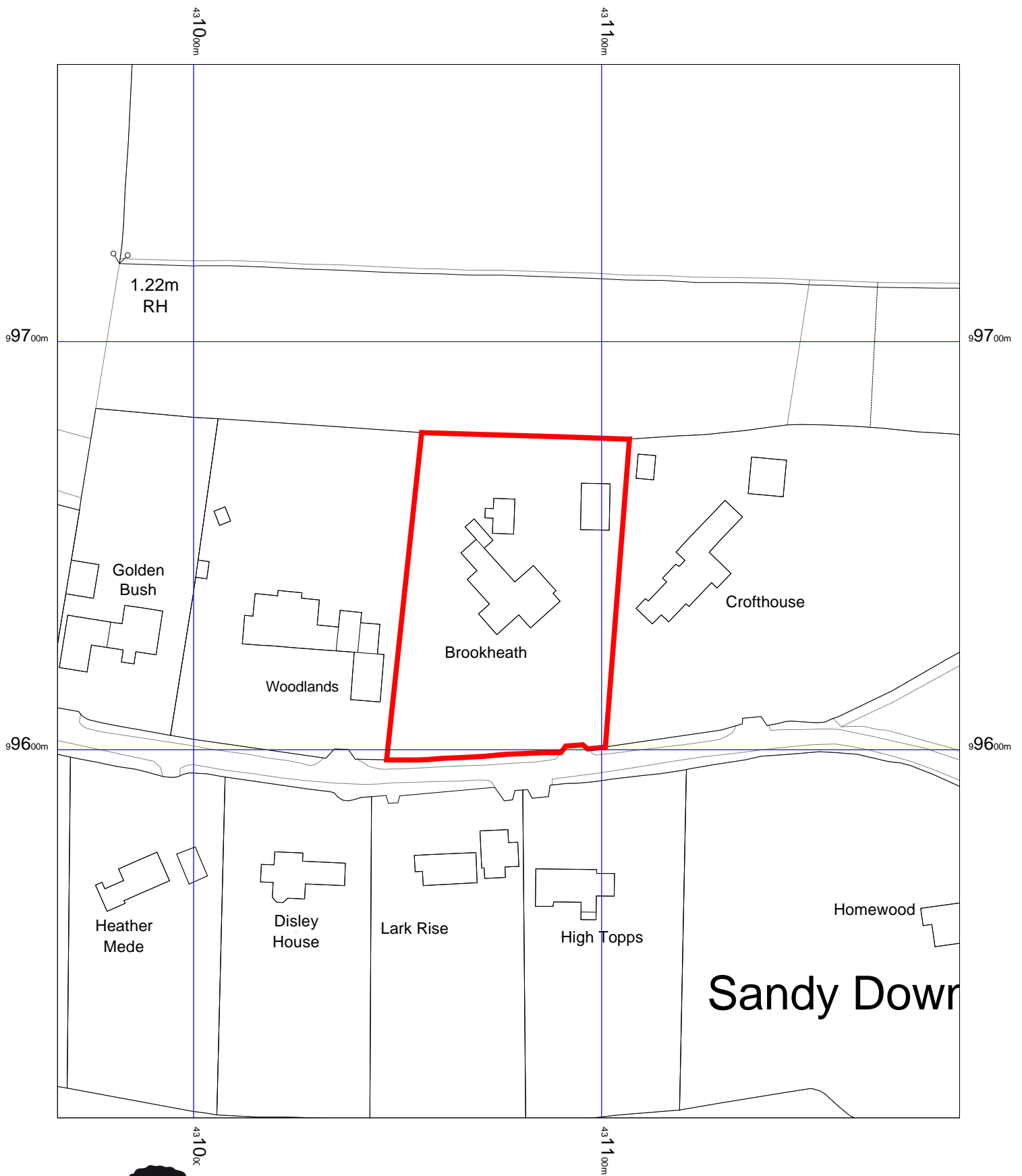
Reason: To protect the character and appearance of the countryside in accordance with Policies DP36 and DP37 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

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

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

9. No windows or rooflights other than those hereby approved shall be inserted into the outbuilding unless express planning permission has first been granted.

Reason: To safeguard the dark night skies of the National Park and to ensure it has an acceptable appearance in accordance with Policies SP15 and SP17 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).



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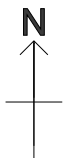
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Application No: 23/01383FULL Full Application

Site: Land Adjacent Oaklea, Forest Road, Hale SP6 2NP

Proposal: Extension to barn; associated hard & soft landscaping
(AMENDED PLANS & DESCRIPTION)

Applicant: Mr Dean Bowen

Case Officer: Lindsey Chamberlain

Parish: Hale Parish Council

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view.

2. POLICIES

Principal Development Plan Policies

DP50 Agricultural and forestry buildings
 SP15 Tranquillity
 SP17 Local distinctiveness
 DP2 General development principles
 DP18 Design principles
 SP7 Landscape character

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

Hale Parish Council: Recommend refusal. This is already a large agricultural building located in what is essentially a predominantly residential area of Hale and associated with a residential property. The

current agricultural buildings are already relatively large in relation to the setting and any increase in the size would further exacerbate this. The Parish Council feels that the size of the proposed barn does not meet the criteria of SP7, SP17 and DP2. DP50 outlines the following - "If there is a functional need for the building and the scale is commensurate with that need and its setting in the landscape. If the building is designed for purposes of agriculture, related physically and functionally to the existing buildings and business, without a detrimental effect on the National Park." The Parish Council does not believe that this application meets the criteria of this policy.

Although not substantiated it is believed that the property may have recently been sold.

5. CONSULTEEES

Landscape Officer: The proposals to soften the edge of the stone/aggregate area with wildflower seeds is supported. Management of the sown wildflowers would be needed to ensure their germination, successful establishment and ongoing seasonal flowering, providing a soft landscape edge to the hard landscape around the barn.

6. REPRESENTATIONS

One objection on the following grounds:

- Noting that there are 2 horses currently grazing the land.
- Photo provided in application is not evidence that the existing barn is at full capacity.
- Concern over the licences and that copies are obtained.
- Questions over the commitment of the applicant as claimed in the planning statement as site is detailed on Symonds and Sampson auction site (13 December 2023) that the site is 'sold subject to contract'
- Questioning the inclusion of the hardstanding being extensive and expansive.

7. RELEVANT HISTORY

Hay Barn (21/00524) granted on 17 August 2021.

Application under Part 6 of the Town and Country Planning (General Permitted) Development) (England) Order 2015 (as amended) in respect of the siting, design and appearance of an agricultural building (21/00331) Agric Plan Permission Required on 4 May 2021.

8. ASSESSMENT

Application Site

- 8.1 The application site is an agricultural unit comprising of 9.9 ha, split into three parcels of agricultural land. This application relates to parcel 1 which is owned by the applicant, however, the other two parcels of land are rented by the applicant. Currently hay and haylage is produced on all three of the parcels of land.

Proposed Development

- 8.2 This application seeks planning permission for both an extension to the existing barn and the addition of hard and soft landscaping. The application was amended to include the hard and soft landscaping following the breach of planning permission with regards to the formation of hardstanding around the hay barn, not included in the earlier grant of planning application, ref. 21/00524.
- 8.3 Firstly, the proposal seeks permission for the extension to an agricultural barn that was granted permission under planning application 21/00524. The extension is required to house hay-making machinery. A lean-to is proposed with an internal area of 54.3 m² and a length of 12.8 metres, the materials proposed are corrugated metal walls and corrugated cement fibre roofing, to match the existing.
- 8.4 In addition, planning permission is sought for both hard and soft landscaping surrounding the hay barn, with a view to reducing the level of hardstanding already in situ, to include soft landscaping.

Consideration

- 8.5 The key considerations in this case are compliance with Policy DP50; the impact on the landscape, locality, local character; the proposed design and materials and any impact on neighbouring amenity.
- 8.6 It is noted that the site consists of one parcel of land (4 ha) owned by the applicant and two further parcels (3.9 ha and 2 ha) that are rented, thus with the incorporation of these two rented fields the total agricultural unit is 9.9 ha, all parcels of land are located within the New Forest National Park. In 2021, planning permission was granted for the existing barn on the basis of compliance with Policy DP50. Information has been provided about the need and the viability of the proposal to extend the existing barn in the form of a lean-to, with reference to the whole 9.9 ha of land. The applicant has indicated that the yield cannot be guaranteed as this is reliant on weather conditions, therefore the total bales produced may vary from 1,320 bales in a poor year to between 1,760 – 2,200 bales in a good year. When looking at the capacity of the existing barn, this can hold approximately 936 bales, below the total on a poor year. If the agricultural unit continues to function at the current land holding and harvested with the intent of producing hay

then there is considered to be a need for the barn and lean-to to house the hay and the machinery. If, however, at such time when the agricultural unit falls below the current levels and these agricultural buildings are no longer required, they should be removed from site and the area restored to its original condition, including the removal of any surfacing, this can be reasonably controlled by condition.

- 8.7 The site also includes a substantial area of hardstanding around the existing barn. After discussions, the area of hard standing has been reduced, with the inclusion of a wildflower meadow softening the sides and edges of the rectangular area of hardstanding. With input from the Authority's Landscape Officer, amendments have been made to this area to ensure the future viability of the wildflowers and that they are protected from machinery. The wildflowers, sourced from the local Roydon Woods site, would be edged with railway sleepers which would be secured in space with metal spikes at regular intervals, avoiding the likelihood of large machinery and tractors running over the edges and eroding away the flower meadow. The hardcore that is laid would not be removed from site, instead, soil laid over the hardcore, this would raise the profile of the raised bed but also allow for a weed/nutrient barrier. Given the efforts that have been made to reduce the level of hardstanding and measures taken to ensure their retention on the site in the form of railway sleeper edging, it can be considered that the proposal would not detract from the natural beauty of the National Park, in accordance with Local Plan Policy SP7, and noting that the softening of the area with native flowers would not impact the local distinctiveness therefore satisfying Local Plan Policy SP17.
- 8.8 It has been noted in the comments submitted that there is question over the commitment of the applicant. The Planning Statement, point 2.3 references 'the genuine intent and commitment to continue with and expand the grazing business.' The property, Oaklea, and the land the subject of this application, land adjacent to Oaklea, amounting to a total of just over 4 ha, was marketed for sale in May 2023 and subsequently for sale by public auction on 13 December 2023. However, irrespective of whether this site has been sold, there are conditions reasonably placed on the barn under application 21/00524 and which would be reasonably applied with this application.
- 8.9 The proposed building is agricultural in its design and appearance and is considered reasonably necessary for the purposes of agriculture taking place on the unit.
- 8.10 The proposal is relatively close to Boundary Cottage and Oak Cottage, however, given the lean-to is an open extension to the existing closed barn and smaller in scale, it is regarded that this addition will not cause any further adverse impact to the neighbouring property than that experienced by the barn already in situ. The amount of hardstanding has been greatly reduced and softened with wildflowers that will benefit the local biodiversity. To ensure the hardstanding that is already in existence is reduced and wildflower beds implemented in a timely fashion, a condition can be

imposed to ensure work to instate the wildflower beds is carried out within six months of the planning permission being granted.

Conclusion

8.11 For the reasons set out above, the application is in accordance with Local Plan Policies DP50, DP18, DP2, SP7 and SP17 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.

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 the following plans:

- Amended Block Plan, including landscaping, DWG No.: DSL 02
- Proposed Floor Plan, Roof Plan and Elevations, DWG No.: PN2

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

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

3. The building the subject of this permission shall only be used for agricultural purposes and for no other commercial, business or storage purposes whatsoever. Should the lean-to, the subject of this permission, no longer be required for agricultural purposes, it should be demolished, all materials removed and the site restored to its original condition.

Reason: The building is only justified on the basis that it is necessary for agriculture and in accordance with Policy DP50 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

4. The external facing materials to be used in the development shall match those set out in the application form, matching that used on the building approved under application 21/00524, 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).

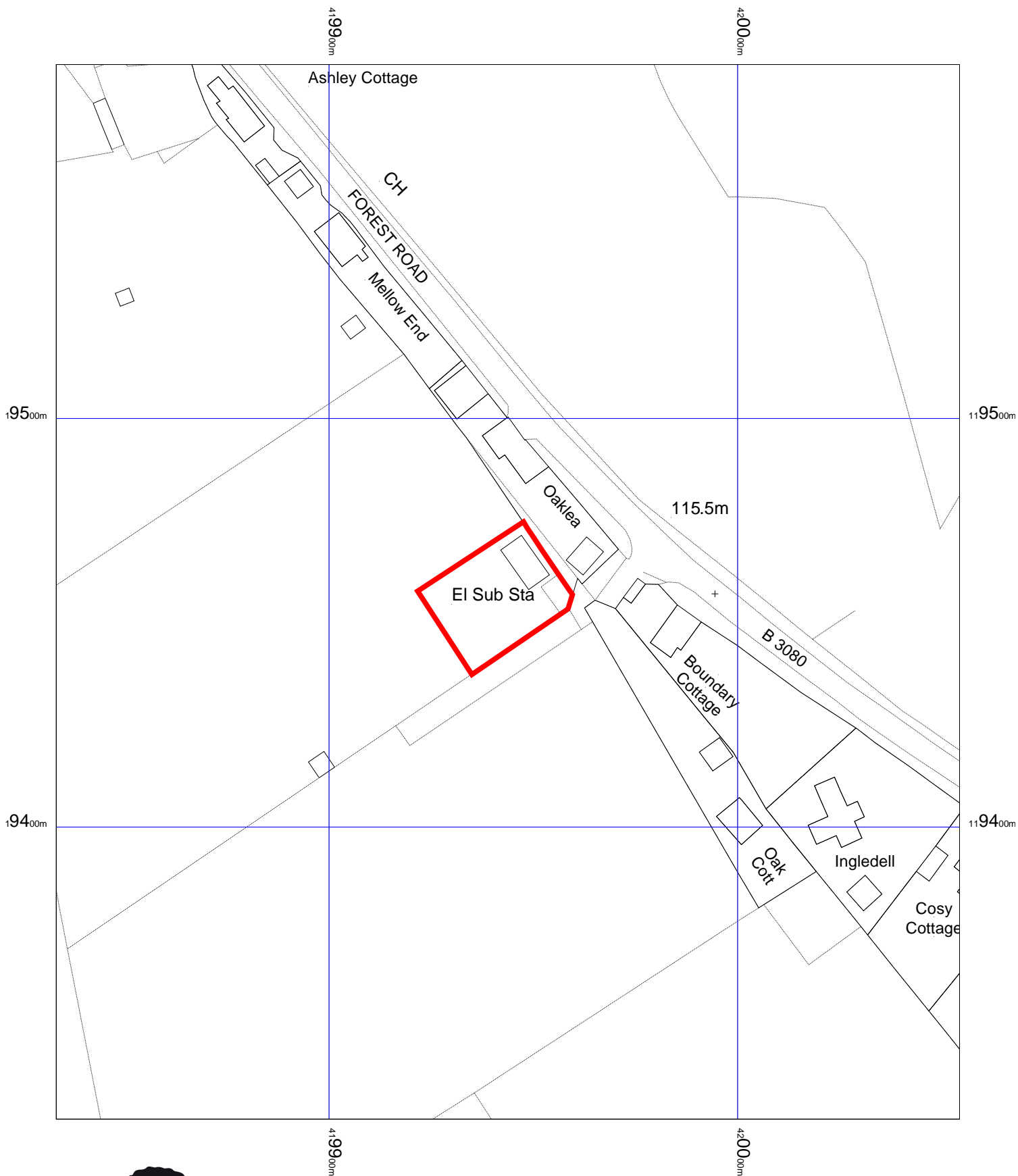
5. No external lighting, other than that already existing on the main hay barn under plan number PN2, Revision A application reference 23/ 00793DOC shall be installed on the site unless details of such proposals have been submitted to and approved in writing by the New Forest National Park Authority.

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).

6. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Works to instate the wildflower beds should be carried out within a period of six months from the date of this permission.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the National Park Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply 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: 09/02/2024

Ref: 23/01383FULL

Scale: 1:1250

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Application No: 23/01552FULL Full Application

Site: Plough Inn, Plough Inn, Sway Road, Tiptoe, Lymington SO41 6FQ

Proposal: 2 storage containers and an area of compacted earth & gravel for a temporary period of 18months

Applicant: Steve Weal

Case Officer: Kate Longley

Parish: Hordle Parish Council

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view.

2. POLICIES

Development Plan Designations

Listed Building

Principal Development Plan Policies

SP17 Local distinctiveness

DP2 General development principles

DP18 Design principles

DP45 Extensions to non-residential buildings and uses

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

Hordle parish Council: Recommend refusal, for the reasons listed below:

- There has been no further information regarding use of the containers and purpose of gravelled area and therefore the Parish Council is unable to make an informed decision.
- Concerns regarding the proposed gravelling and storage container being in a secluded area to the rear of the property which is already demarcated on the plan and physically separated from the main car park still stand.
- Constitutes inappropriate development.

5. CONSULTEES

Building Design & Conservation Officer: No objection subject to appropriate condition to require removal following temporary period of 18 months.

6. REPRESENTATIONS

None received

7. RELEVANT HISTORY

No relevant planning history.

8. ASSESSMENT

Application Site

- 8.1 The Plough Inn is a Grade II listed country pub dating from the early C19. The historic elements are modest and consist of a two-storey white rendered building, with a slate roof and wide eaves. The main elevation has an attractive Georgian symmetrical frontage, with a central pedimented porch and four sash windows. A later single storey range to the west is attached to the main early C19 section.
- 8.2 There are also a number of later additions to the rear of the pub, a beer garden and a large car park to the west and rear. The car parking area is gravelled and extensive. Recycling bins are located at the very back for the car park for community use. Beyond this is a field area screened with some trees.

Proposed Development

- 8.3 This application seeks retrospective consent for storage containers at the application site. The storage containers are located immediately north west of the Grade II listed building, container C2 (painted green) is sited within the existing extensive car park and container C1 (grey) is located to the

rear within a field accessed through a gate and largely screened by soft landscaping. A compacted area of gravel has been installed to facilitate the siting of container C1. Planning permission is sought to retain the containers and compacted gravel hardsurface for a period of 18 months.

Consideration

- 8.4 Policy SP16 states that all new development should maintain, protect, and enhance the setting of heritage assets. The Authority's Building Design and Conservation Officer has been consulted on this application, has commented that the containers are dark green and grey, the colours are considered acceptable within this historic setting and within the considerations of acceptable development under Policy SP16 of the Local Plan. Taking this into account the proposal would result in less than substantial harm to the setting of the listed building. This therefore has to be weighed against any public benefit of the provision of temporary storage for the country pub.
- 8.5 The containers are temporary and designed as such. Containers such as these are easily transported and are versatile, secure and strong. The proposal, whilst out of character, would be in place for a relatively short period of time and would not result in permanent harm to the character and appearance of the listed building or the wider area.
- 8.6 With regards to the appearance of the buildings, it is noted that measures have been taken to minimise their impact through consideration of the location of the containers. In summer months, the existing vegetation provides fairly effective screening of the containers. However, container C2 is visible from the grade II listed building and from the street scene when viewed from certain angles. Container C1 is not visible unless accessed via the gate that allows access to the area where it is located.
- 8.7 The position of the containers is not prominent in views from public areas. The container which is more prominent (C2) is viewed within the context of a large expanse of hardsurfacing to serve a car park, it is painted green and is sited close to the boundary treatment reducing its perceived incongruity. Container C1 is not visible and is located within the field to the rear behind soft screening. The installation of a compacted gravel area for the placement of container C1 does not lead to a significant impact given the existing authorised expanse of hard surfacing utilised as a car park.
- 8.8 The proposal provides storage which is deemed necessary to the running of the site by the applicant. The temporary period will afford the applicant time to consider, prepare and submit a revised scheme more appropriate for permanent siting. The period also allows for implementation should the scheme be approved.
- 8.9 There are no nearby properties amenities who would be impacted by the storage container given the location of the containers.

Conclusion

- 8.10 In this instance, it is considered that the containers, taking into account the temporary nature of (and need for) the development as well as their siting in locations to minimise visibility, would be appropriate in the context of this site for a temporary period to allow time for the preparation and submission of a permanent solution. It is therefore recommended that planning permission should be granted for the temporary siting of the storage containers and the associated compacted gravel area, as the proposal is in accordance with Policies DP2, DP18, DP45, SP16 and SP17 of the New Forest National Park Authority Local Plan (adopted 2019), the Design Guide SPD (2022) and the NPPF.

9. RECOMMENDATION

Grant Subject to Conditions.

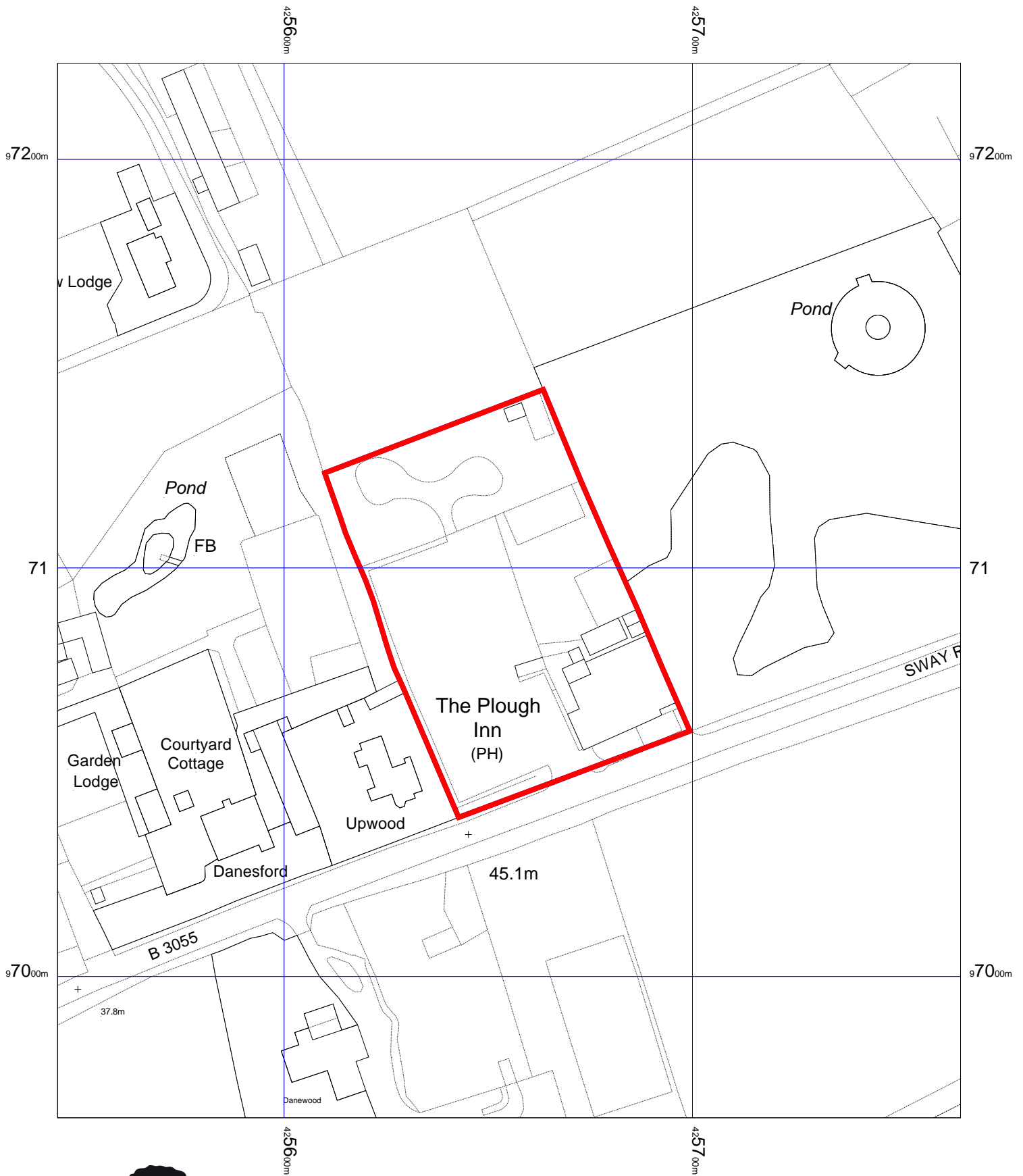
Condition(s)

1. The storage containers, hardsurface and use of the land for storage shall be for a limited period expiring 18 months from the date of the permission. On or before the expiration of which period the structures shall be removed and the land restored to its former condition and use.

Reason: The development is of a type not considered suitable for permanent retention.

2. Development shall only be carried out in accordance with LP. 01 rev A and PE. 01 rev A. No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority.

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



NEW FOREST
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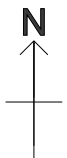
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PC 445/24 – Report Item 5

NEW FOREST NATIONAL PARK AUTHORITY

PLANNING COMMITTEE MEETING – 20 FEBRUARY 2024

NON-COMPLIANCE WITH ENFORCEMENT NOTICE 20/0032 BRAMSHAW HOUSE (FORMERLY BRANKSOME), PENN COMMON ROAD, BRAMSHAW, LYNDHURST, SO43 7JL

Report by: Lucie Cooper, Enforcement Manager

1 Summary

- 1.0 This report concerns the non-compliance with an Enforcement Notice at Bramshaw House. In summer 2020 the Authority received a report concerning the erection of an outbuilding. It was claimed by the owners that the building was permitted development but following concerns raised by officers with regards whether or not it would meet all the relevant criteria, a Lawful Development Certificate was submitted. It was determined that the building was not lawful and as a result the Authority issued an Enforcement Notice on 11 November 2021 requiring the building to be demolished. The appeal against the Notice was dismissed by the Planning Inspector and should have been complied with on or before 9 August 2023.
- 1.1 The owners have advised they do intend to comply with the Notice and have taken steps including the removal of various elements of the structure, but the oak framing remains in situ. Therefore, to date, the requirements of the Notice have not been complied with fully and a significant structure remains. Due to personal circumstances, the owners have advised that they are currently not able to fully comply with the Notice. They have given no indication of a date by which they may be in a position to fully comply.

2 Background

- 2.0 Following complaints received by the Enforcement Team, an initial site visit was carried out in July 2020 when it was found that the building under construction appeared to meet the criteria for permitted development within the curtilage of a dwellinghouse (Part 1 Class E). However, concerns were expressed about the size, location and height of the building and the owners were not able to confirm how the building was going to be used and therefore whether it would meet the primary criteria for permitted development outbuildings to be for 'incidental purposes'. In an attempt to establish that the building would be permitted development, an application for a Lawful Development Certificate was submitted (20/00558) and refused by decision notice dated 23 October 2023. Subsequently officers entered into discussions in an attempt to find a suitable solution which would include a significant reduction in size but that the building, in its current form, was unlikely to secure planning permission due to its size and capability of providing habitable accommodation contrary to policy DP37 (amongst others). Despite being provided with a significant period of time to take remedial steps and / or submit any application with the aim to secure a more appropriate building, a further Lawful Development Certificate was submitted for the same structure but with changes to the proposed uses (21/00684).

- 2.1 Application 20/00558 showed the proposed use of the building as two offices, a fitness room, sports bar, cinema room, home school and boot room. The most recent application 21/00684 proposes that the building is to be used as games room, art and hobby studio, gym and garden storage, but there is no change proposed to the overall scale of the building. Application 21/00684 was refused by decision notice dated 23 September 2021.
- 2.2 On 11 November 2022 an Enforcement Notice was issued in relation to the erection of a building without planning permission.
- 2.3 The Notice required the owners to:
 - 5.1 Permanently demolish the building to ground level.
 - 5.2 Remove all debris and material resulting from compliance with 5.1 from the land affected.
- 2.4 The Notice was appealed along with the refusal of Lawful Development Certificate application 21/00684. The appellant's appeal did not contest that the compliance period of 8 months would not be sufficient time to comply with the Notice. The appeals were dismissed, and the Enforcement Notice was upheld on 9 December 2022. The Notice took effect on the date of the Inspector's decision and provided a compliance period of 8 months (until 9 August 2023) for the requirements of the Notice to be complied with.
- 2.5 A further lawful development certificate (23/00911LDPC) was submitted in July 2023 proposing an outbuilding on a similarly located, but smaller, footprint. The application was refused on 19 September 2023 for the reasons set out in the officer's report.
- 2.6 Following a site visit in August 2023 it was clear to the Enforcement Officer that the building had not been demolished.
- 2.7 The owners have advised that, for reasons that cannot be made public, they are currently unable to comply with the Notice.

3 Next steps

- 3.0 The Authority must now decide the most appropriate course of action in the circumstances.
- 3.1 The Authority may now choose to prosecute the landowners for non-compliance with an Enforcement Notice which is an offence under section 179 of the Town and Country Planning Act 1990, as amended (the 'Act'). All owners are responsible for ensuring compliance with the Notice. Prior to commencing a prosecution, the Authority needs to be satisfied firstly that there is a realistic prospect of success and secondly that commencing prosecution proceedings would be in the wider public interest. The Authority is satisfied that there is an adequate prospect of success given the evidence available but is awaiting further information / evidence from the owners as to the purported impediment to compliance. Once this has been received, it will be considered by officers. Non-compliance with an Enforcement Notice leaves the owner liable, on summary conviction, to an unlimited fine at the discretion of the Court.

- 3.2 In addition, or in the alternative, the Authority has the power to enter land and take the steps required by notices issued under the provisions of the Act where those requirements have not been complied with in the time specified by the Notice. This would be an effective way of remedying the breach but would involve the significant outlay in employing a specialist contractor to do the works. It is open to the Authority to recover any reasonably incurred expense in exercising our direct action powers by applying to place a charge on the land.
- 3.3 For final consideration, the Authority may choose to extend the compliance period of the Enforcement Notice under S173A. Shortly after compliance was due, the owners indicated, via their agent, that complete demolition would be completed by the end of September 2023 but that has not transpired, no further alternative dates have been put forward and there has been no tangible progress on site. However, it has been noted that personal circumstance have been advanced by the owners as to why progress has halted. During the course of this investigation, the provision of additional time to take positive steps to attempt to remedy the situation has not resulted in any significant steps forward and a sufficient period has already been provided.
- 3.4 As to the public interest in taking action, the enforcement of planning control is in the wider public interest of the community by preventing inappropriate and harmful development within a special environment of national significance, the New Forest National Park.
- 3.5 Any further action taken by the Authority would be in accordance with the powers conferred upon it by the Act, and also appears to be both proportionate and supported by the wider public interest, especially in view of the harm caused by this breach continuing. Allowing the retention of the remaining elements of the partially complete building is inappropriate and harmful to the character and appearance of the area and undermine the Authority's policies which require outbuildings to be subservient in scale and form and incidental in terms of use.
- 3.6 It is therefore considered expedient, necessary, and proportionate to take further action given the history of the site as set out above, subject to consideration of the evidence to be received regarding non-compliance. It is recommended that members authorise officers to consider any further evidence received, if any, in order to form a view as to whether to proceed with a prosecution, and either to commence with a prosecution or to take direct action / or other enforcement steps as considered appropriate in the light of the material submitted.

RECOMMENDATION:

Members authorise the Authority's Executive Director Strategy and Planning, in consultation with the Solicitor and the Enforcement Manager, to:

- (i) consider the further evidence, if any, submitted in respect of the purported impediment to compliance and form a view as to the appropriate course of action to achieve compliance with the Enforcement Notice; and**
- (ii) if officers are in agreement that it is appropriate to do so, in light of any further information referred to in paragraph (i) above, take all action as necessary to commence and conduct the prosecution of the owners of Bramshaw House (Formerly Branksome), Penn Common Road, Bramshaw, Lyndhurst, SO43 7JL in respect of their non-compliance with the Enforcement Notice issued in August 2022; or**

- (iii) if it is not considered appropriate to commence a prosecution, to consider and take such other action as necessary to achieve compliance with the Enforcement Notice including taking direct action and any other steps as necessary to recover the costs of so doing from the owners, including arranging for a charge to be placed on the land.**



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Date: 09/02/2024

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PC 445/24 – Report Item 6

NEW FOREST NATIONAL PARK AUTHORITY

PLANNING COMMITTEE MEETING – 20 FEBRUARY 2024

NON-COMPLIANCE WITH BREACH OF CONDITION NOTICE 21/0194 RAMSLEY, SOUTHAMPTON ROAD, BOLDRE, LYMINGTON, SO41 8PT

Report by: Lucie Cooper, Enforcement Manager

1 Summary

- 1.0 This report concerns the non-compliance with an Enforcement Notice (Breach of Condition) at Ramsley, Lyminster. In October 2021 the Authority received a complaint that a detached outbuilding at the site had not been built in accordance with the approved plans of planning permission 19/00434 which came before members at Committee in September 2019. The Authority issued a Breach of Condition Notice on 4 August 2022 requiring the development to be permanently altered so that it accords with the plans approved by committee on or before 4 August 2023.
- 1.1 To date the requirements of the Notice have not been complied with. The owner is now claiming that the presence of bats in the building is preventing him from complying with the Notice but no evidence that this is the case has been provided to the Authority.
- 1.2 This report therefore seeks Members' approval to proceed with further action against those owners who continue to breach the Notice - to the detriment of the landscape and neighbouring owners.

2 Background

- 2.0 Following complaints received by the Enforcement Team, an initial site visit was carried out in November 2021 when it was found that the detached outbuilding had not been built in accordance with the approved plans of 19/00434. It was found that dormer windows had been built on the outbuilding as opposed to the rooflights shown on the approved plans. Officers subsequently entered into correspondence with the owners in an attempt to get them to take remedial steps voluntarily, but the owner did not take the opportunity to do so. On 4 August 2022 a Breach of Condition Notice was served which identified the relevant planning permission and condition as:
- i. The permission granted by the Authority on 17 September 2019 under planning application number 19/00434 for a detached outbuilding with office over.
 - ii. The following condition of planning permission 19/00434 has not been complied with:
 - iii. 2. Development shall only be carried out in accordance with drawing nos: 6517 PL 01 and 6517 PL 02 Rev A. No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority

- iv. 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).

2.1 The Notice required the owners to:

- 5.1 Permanently alter the building so that it strictly accords with approved plan 6157 PL02 REV A. For the avoidance of doubt this would involve at a minimum the removal of three dormer windows, replacing them with rooflights in accordance with the aforementioned approved plan.
- 5.2 Remove all materials and debris resulting from compliance with step 5.1 from the land affected

2.2 A Breach of Condition Notice does not carry with it a right of appeal and the Notice took effect immediately on service (4 August 2022) and provided a significant compliance period of 12 months (until 4 August 2023) to allow them to consider and explore how best to resolve the matter and make the necessary arrangements for the Notice to be complied with.

2.3 Following the issuing of the Notice the owner submitted a Section 73 application (minor material amendment) (22/00706) in an attempt to secure the retention of the dormer windows. That application was refused by decision notice dated 15 December 2022. An appeal was lodged against the refusal in June 2023. The Authority has queried the validity of the appeal due to the extant breach of condition notice but to date the appeal has commenced but not yet been determined.

2.4 Following a site visit in August 2023 it was clear to the Enforcement Officer that the Breach of Condition Notice had not been complied with and the unauthorised dormer windows remained. Since that visit, on notification of the Authority's intention to commence prosecution proceedings, officers have been advised that the presence of bats in the building was preventing compliance with the Notice. No evidence to support this claim has been forthcoming to date and the Authority's ecologist has been consulted.

3 Next steps

3.0 The Authority should now decide the most appropriate course of action in the circumstances.

3.1 The Authority may now choose to prosecute the landowners for non-compliance with a Breach of Condition Notice which is an offence under section 187A of the Town and Country Planning Act 1990, as amended (the 'Act'). All owners are responsible for ensuring compliance with the Notice.

3.2 Prior to commencing a prosecution, the Authority needs to be satisfied firstly that there is a realistic prospect of success and secondly that commencing prosecution proceedings would be in the wider public interest. The Authority is satisfied that there is an adequate prospect of success given the evidence available. As to the public interest in taking action, the enforcement of planning control is in the wider public interest of the community by preventing inappropriate and harmful development within a special environment of national significance, the New Forest National Park.

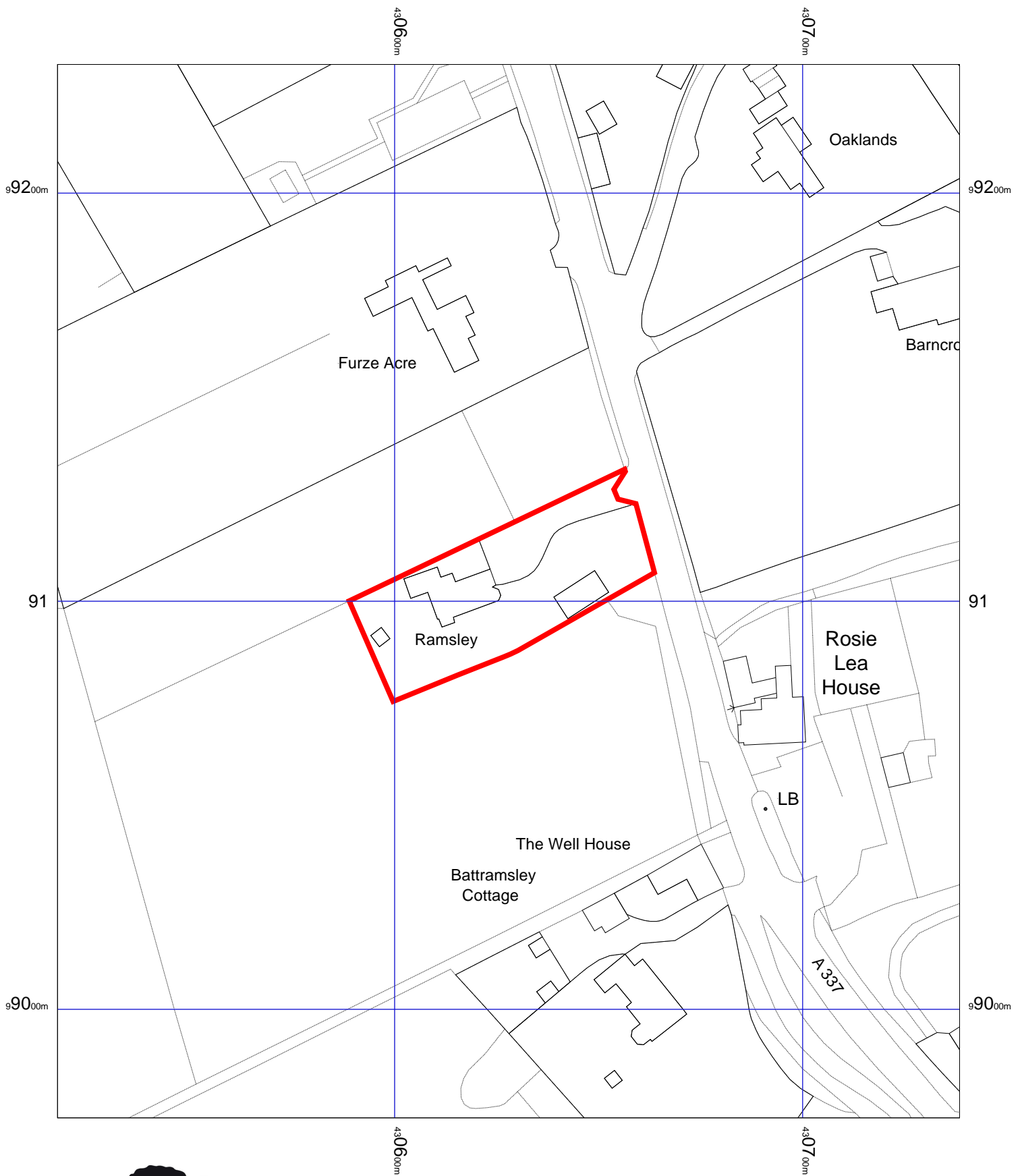
- 3.3 Noncompliance with a Breach of Condition Notice leaves the owner liable, on summary conviction, to a fine not exceeding level 4 on the standard scale (the equivalent of up to £2,500).
- 3.4 In the alternative, the Authority may choose to extend the compliance period of the Enforcement Notice under S173A. The owners have already been provided with a significant compliance period (12 months) which was not used productively. Rather than immediately appealing the refusal a period of 6 months elapsed with no reasonable explanation. Whilst extending the compliance period would allow for the presence of bats to be ruled out, no evidence to their presence has been provided. This course of action may undermine the enforcement process by prolonging the presence of a significant breach of planning control which has already had a significant timeframe for compliance.
- 3.5 The Authority also has the power to enter land and take the steps required by notices issued under the provisions of the Act where those requirements have not been complied with in the time specified by the Notice. This would be an effective way of remedying the breach but would involve the significant outlay in employing a specialist contractor to do the works. We may recover any reasonably incurred expense in exercising our direct action powers by placing a charge on the land.
- 3.6 In any event, any further action taken by the Authority would be in accordance with the powers conferred upon it by the Act, and also appears to be both proportionate and supported by the wider public interest, especially in view of the harm caused by this breach. Allowing the unauthorised dormer windows to be retained would undermine the Authority's strong stance that such windows on incidental outbuildings are inappropriate to the subservient character of such buildings.
- 3.7 It is therefore considered expedient, necessary, and proportionate to take further enforcement action given the history of the site as set out above, subject to consideration of any further evidence that may be received regarding non-compliance. It is recommended that members authorise officers to consider any further evidence received, if any, in order to form a view as to whether to proceed with a prosecution, and either to commence with a prosecution or to take direct action / or other enforcement steps as considered appropriate in the light of any material submitted. In taking further action as recommended by this report, the Authority will bear in mind any progress of the appeal referred to in paragraph 2.4 above as to whether it is appropriate to delay should the planning inspectorate proceed with the appeal.

RECOMMENDATION:

Members authorise the Authority's Executive Director Strategy and Planning, in consultation with the Solicitor and the Enforcement Manager, to:

- (i) consider the further evidence, if any, submitted in respect of the purported impediment to compliance and form a view as to the appropriate course of action to achieve compliance with the Enforcement Notice; and**
- (ii) if officers are in agreement that it is appropriate to do so, in light of any further information referred to in paragraph (i) above, take all action as necessary to commence and conduct the prosecution of the owners of Ramsley, Southampton Road, Boldre, Lymington, SO41 8PT in respect of their non-compliance with the Enforcement Notice issued in August 2022; or**

- (iii) if it is not considered appropriate to commence a prosecution, to consider and take such other action as necessary to achieve compliance with the Enforcement Notice including taking direct action and any other steps as necessary to recover the costs of so doing from the owners, including arranging for a charge to be placed on the land.**



NEW FOREST
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Lymington Town Hall, Avenue Road,
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Date: 09/02/2024

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